

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHURCH & DWIGHT CO., INC.,

Plaintiff,

v.

SPD SWISS PRECISION DIAGNOSTICS,
GMBH,

Defendant.

Civil Action No. 14 CV 585 (AJN)

JOINT PRETRIAL REPORT

JOINT PRETRIAL REPORT

Pursuant to Rule 5.A of this Court's Individual Practices in Civil Cases, Plaintiff Church & Dwight Co., Inc. ("Church & Dwight") and Defendant SPD Swiss Precision Diagnostics GmbH ("SPD") respectfully submit this Joint Pretrial Report.

i. The full caption of the action.

The full caption of the action is set forth above.

ii. The names, law firms, addresses, and telephone and fax numbers of trial counsel.

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- iii. **A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction.**

Plaintiff's Statement

This Court has jurisdiction over the subject matter of this action (1) under Section 39 of the Lanham Act, 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338, and (2) pursuant to 28 U.S.C. § 1332(a) because this action is between a citizen of a State of the United States and a citizen of a foreign state and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. This Court also has supplemental jurisdiction over Church & Dwight's state and common law claims pursuant to 28 U.S.C. §§ 1338 and 1367.

Defendant's Statement

SPD concurs with Plaintiff's Statement as to the Court's subject matter jurisdiction.

- iv. **A brief summary by each party of the claims and defenses that the party asserts remain to be tried, including citations to any statutes on which the party relies. Such summaries shall also identify all claims and defenses previously asserted which are not to be tried.**

Plaintiff's Statement

Church & Dwight's claims to be tried are: (1) its claim, as set forth in Count I of its Complaint, for violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (2) its claim, as set forth in Count II of its Complaint, for violation of Section 349 of New York's General Business Law; and (3) its claim, as set forth in Count III of its Complaint, for breach of contract under New York law and, more specifically, breach by SPD of the parties' Settlement Agreement dated as of April 11, 2003. There are no claims previously asserted by Church & Dwight which are not to be tried.

Defendant's Statement

SPD asserts the following defenses to Church & Dwight's claims: (1) C&D's claims are precluded because they directly conflict with the U.S. Food & Drug Administration ("FDA")'s approval of the Weeks Estimator advertising under 21 U.S.C. § 301 et seq.; (2) C&D's claims are barred, in whole or in part, because the issues plaintiff seeks to have decided by this Court are under the primary jurisdiction of the FDA; (3) C&D has failed to meet its burden to show that SPD has engaged in false advertising; (4) C&D lacks standing to bring these claims; (5) C&D's claims are barred, in whole or in part, because C&D has suffered no damages; (6) C&D's breach of contract claim is barred because SPD substantially complied with its obligations under the contract and C&D has failed to meet its burden to show a breach; and (7) C&D's breach of contract claim is barred by plaintiff's material breach of the parties' Settlement Agreement. SPD is no longer asserting the following affirmative defenses: waiver, estoppel, and consent.

- v. **A statement as to the number of trial days needed and regarding whether the case is to be tried with or without a jury.**

Plaintiff's Statement

Church & Dwight estimates five to eight trial days will be needed. The case will be tried to the Court without a jury.

Defendant's Statement

SPD concurs with Plaintiff's Statement as to the number of trial days.

- vi. **A statement as to whether or not all parties have consented to trial by a magistrate judge.**

The parties have not consented to trial by a magistrate.

- vii. **Any stipulations or agreed statements of fact or law to which all parties consent.**

I. Stipulated Statements Of Facts

1. Plaintiff Church & Dwight Co., Inc. ("Church & Dwight") a leading nationwide supplier of home pregnancy tests, which it markets and sells under the brand name FIRST RESPONSE®. **(Stipulated Fact No. 1.)**

2. Defendant SPD Swiss Precision Diagnostics GmbH ("SPD") is also a leading nationwide supplier of home pregnancy tests, which are sold under the brand name CLEARBLUE® (Daly 3). SPD is a joint venture between the consumer goods company, Procter & Gamble, and Alere, Inc. **(Stipulated Fact No. 2.)**

3. SPD and C&D are competitors in the market for home pregnancy tests. **(Stipulated Fact No. 3.)**

4. Home pregnancy tests, including SPD's Clearblue brand and Church & Dwight's First Response brand, determine whether a woman is pregnant by detecting the presence (or failing to detect the presence) of human chorionic gonadotropin (better known as "hCG") in a

woman's urine. (**Stipulated Fact No. 4.**)

5. The U.S. Food, Drug and Cosmetic Act ("FDCA"), as amended by the Medical Devices Amendments of 1976, separates medical devices into three categories for purposes of the level of regulatory scrutiny they receive. "Class I" devices do "not present a potential unreasonable risk of illness or injury" and therefore are subject to minimal regulation. "Class II" devices are those "which cannot be classified as a class I device[s] because the general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device" and are therefore subject to somewhat greater regulatory scrutiny than Class I devices. "Class III" devices either "present a potential unreasonable risk of illness or injury" or are "purported or represented to be for use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health." Class III devices are subject to the strictest regulatory scrutiny for medical devices. (**Stipulated Fact No. 5.**)

6. Before marketing a Class II device in the U.S., or making substantial modifications to an existing one, a manufacturer is required to notify the U.S. Food & Drug Administration ("FDA") of its intent in the form of a "Premarket Notification," also known as a "510(k)" application. The 510(k) submission includes, among other things: an identification of the legally marketed device to which the submitter claims equivalence; a description of the new device that is the subject of the premarket notification, such as might be found in the labeling or promotional material for the device; a statement of the intended use of the device; and, for those premarket submissions in which a determination of substantial equivalence is also based on an assessment of performance data, tests data. The information is intended to allow the FDA to determine whether the device is "substantially equivalent" to a device already legally on the market. (**Stipulated Fact No. 6.**)

7. A manufacturer wishing to market a new Class III device must go through the even more rigorous "Premarket Approval" or "PMA" process. The PMA process entails a more detailed presentation of data about the safety and effectiveness of the proposed product than the 510(k) process. (**Stipulated Fact No. 7.**)

8. Home pregnancy tests are typically treated as Class II devices for purposes of FDA regulation. If a manufacturer intends to introduce a device into commercial distribution for the first time or reintroduce a device that will be significantly changed or modified to the extent that its safety or effectiveness could be affected it must submit new 510(k) applications before marketing it. (**Stipulated Fact No. 8.**)

9. The first day of a pregnant woman's last menstrual period (in shorthand, "LMP" for "last menstrual period") is, on average, about two weeks prior to when a woman ovulates. (**Stipulated Fact No. 9.**)

II. Stipulated Statements Of Law

1. The FDCA separates medical devices into three categories for purposes of the level of regulatory scrutiny they receive. 21 U.S.C. § 360c(a), *et seq.* "Class I" devices do "not present a potential unreasonable risk of illness or injury" and therefore are subject to minimal regulation. "Class II" devices are those "which cannot be classified as a class I device[s] because the general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device" and are therefore subject to somewhat greater regulatory scrutiny than class I devices. "Class III" devices either "present a potential unreasonable risk of illness or injury" or are "purported or represented to be for use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health." Class III devices are subject to the strictest regulatory scrutiny for medical devices. *See*

generally, 21 U.S.C. § 360c(a), *et seq.* (**Stipulated Law No. 1.**)

2. The FDA does not permit a new home pregnancy test to be marketed unless the manufacturer has received clearance by the agency for the product to be marketed for a particular "intended use." The review process for a new home pregnancy test product is commenced by the filing of a premarket notification submission to the FDA (known as a 510(k) submission). 21 C.F.R. § 807.81. The 510(k) submission includes, among other things, a description of the device that is the subject of the premarket notification, and a statement of the intended use of the device, including "a general description of the diseases or conditions that the device will diagnose, treat, prevent, cure, or mitigate, including a description, where appropriate, of the patient population for which the device is intended." 21 C.F.R. § 807.92. (**Stipulated Law No. 2.**)

3. A 510(k) application is intended to demonstrate to the FDA that the device is "substantially equivalent" to a legally marketed U.S. device. 21 C.F.R. § 807.92. Hence, before marketing a Class II device, the submitter must receive a letter from the FDA that finds the device to be substantially equivalent, and states that the device can now be marketed in the US. This "clears" the device for commercial distribution, and so is generally referred to as a "clearance letter" or "SE letter." (**Stipulated Law No. 3.**)

viii. A list of all trial witnesses, indicating whether such witnesses will testify in person or by deposition, and a brief summary of the substance of each witness's testimony.

Plaintiff's Witnesses

Church & Dwight may call the following witnesses:

- (1) Stacey Feldman: Ms. Feldman, Church & Dwight's Vice-President of Marketing for Women's Health and Personal Care, will testify live on the subjects set forth in her declarations of direct and rebuttal testimony. Those subjects include, without limitation, the market for the parties' competing home pregnancy test

products, the advertising by SPD for its Clearblue Advanced Pregnancy Test with Weeks Estimator (the “Weeks Estimator” or the “Product”) and the effect of the advertising on Church & Dwight’s home pregnancy test business.

- (2) Pasquale Patrizio, M.D., MBE, HCLD: Dr. Patrizio, a Professor of Obstetrics & Gynecology at Yale University and the Director of the Yale University Fertility Center, will testify as an expert witness live on the subjects set forth in his declarations of direct and rebuttal testimony. Those subjects include, without limitation, the universal convention used by doctors to date pregnancy length, the reasons why the Weeks Estimator does not estimate how long a woman has been pregnant and the risk of adverse health consequences posed by the challenged advertising at issue in this case.
- (3) Hal Poret: Mr. Poret, a Senior Vice President of the market research company ORC International, will testify as an expert witness live on the subjects set forth in his declarations of direct and rebuttal testimony. Those subjects include, without limitation, his consumer perception survey concerning the messages communicated by the two packages in which the Weeks Estimator has been sold.
- (4) Dr. Bruce Isaacson: Dr. Isaacson, the President of MMR Strategy Group, will testify as an expert witness live on the subjects set forth in his declarations of direct and rebuttal testimony. Those subjects include, without limitation, his consumer perception survey concerning the messages communicated by SPD’s 15-second television commercial for the Weeks Estimator.
- (5) Dr. Tulin Erdem: Dr. Erdem, the Leonard N. Stern Professor of Business Administration and Professor of Marketing at the Stern School of Business, New York University, will testify as an expert witness live on the subjects set forth in her declarations of direct and rebuttal testimony. Those subjects include, without limitation, her opinion that the challenged advertising caused harm to Church & Dwight’s home pregnancy test business.
- (6) Ryan Daly: Mr. Daly, an employee of Alere, Inc. and the former Commercial Director of the Americas for SPD’s Clearblue brand, will testify live or by deposition. Mr. Daly will testify concerning, among other potential subjects, SPD’s advertising for the Weeks Estimator including, without limitation, its intent to communicate to retailers and consumers the false messages that the Weeks Estimator can estimate how many weeks a woman has been pregnant and that the estimate provided by the Product is the same as the estimate of pregnancy length a doctor would provide; consumer perception of and reaction to the advertising ; confusion and misunderstanding among American woman about any relationship between ovulation and when pregnancy begins; and the reasons why SPD intentionally avoided advertising the Weeks Estimator as a product that estimates how many weeks have passed since ovulation.
- (7) Kirsten Suarez: Ms. Suarez, the former Clearblue Brand Manager for Procter & Gamble, will testify live or by deposition. Ms. Suarez will testify concerning,

among other potential subjects, SPD's advertising for the Weeks Estimator including, without limitation, its intent to communicate to consumers the false messages that the Weeks Estimator can estimate how many weeks a woman has been pregnant and that the estimate provided by the Product is the same as the estimate of pregnancy length a doctor would provide; consumer perception of and reaction to the advertising; confusion and misunderstanding among American woman about any relationship between ovulation and when pregnancy begins; and the reasons why SPD intentionally avoided advertising the Weeks Estimator as a product that estimates how many weeks have passed since ovulation.

- (8) Dr. Joanna Pike: Dr. Pike, SPD's Senior Global Product Manager, will testify live or by deposition. Dr. Pike will testify concerning, among other potential subjects, SPD's advertising for the Weeks Estimator including, without limitation, its intent to communicate to consumers the false messages that the Weeks Estimator can estimate how many weeks a woman has been pregnant and that the estimate provided by the Product is the same as the estimate of pregnancy length a doctor would provide; consumer perception of and reaction to the advertising; and the reasons why SPD intentionally avoided advertising the Weeks Estimator as a product that estimates how many weeks have passed since ovulation. Dr. Pike will also testify about the universal convention used by doctors to date pregnancy.
- (9) Stewart Wilson: Mr. Wilson, an employee of Alere and SPD's former Chief Technical Officer, will testify live or by deposition. Mr. Wilson will testify concerning, among other potential subjects, the meetings of and advice provided by SPD's "Advisory Board" for the Weeks Estimator and SPD's awareness of disregard for advice given and concerns expressed by Advisory Board members.
- (10) Mark Gittins: Mr. Gittins, SPD's former Chief Compliance Officer, will testify live or by deposition. Mr. Gittins will testify concerning, among other potential subjects, FDA's regulation of the Weeks Estimator, SPD's communications with FDA, consumer complaints, the message communicated by SPD's advertising for the Weeks Estimator, and how doctors date pregnancy.
- (11) Dr. Sarah Johnson: Dr. Johnson, SPD's Scientific and Medical Affairs Manager, will testify live or by deposition. Dr. Johnson will testify concerning, among other potential subjects, SPD's purported substantiation for its claim that the Weeks Estimator is "approximately 93% accurate," how doctors date pregnancy, how women communicate about pregnancy, biological issues relating to pregnancy, the meetings of and advice provided by SPD's "Advisory Board" for the Weeks Estimator and SPD's awareness of disregard for advice given and concerns expressed by Advisory Board members.
- (12) Karen Linton: Ms. Linton, a Community Manager with Procter & Gamble, will testify by deposition. Ms. Linton will testify concerning SPD's use of social media to promote the Weeks Estimator, consumer comments relating to the Weeks Estimator posted to social media and other online forums, SPD's process

of recording consumer comments posted to social media and other online forums, and SPD's responses to such consumer comments.

- (13) Robert Cutajar: Mr. Cutajar, a former Senior Category Account Executive with Procter & Gamble, will testify by deposition. Mr. Cutajar will testify concerning SPD's advertising for the Weeks Estimator directed to retail customers.

Defendant's Witnesses

SPD has submitted written direct testimony from the following witnesses, whom SPD reserves the right to call to provide live testimony at trial to the extent such testimony is appropriate:

Dr. Kurt T. Barnhart. Dr. Barnhart is a professor of Obstetrics and Gynecology, as well as Epidemiology at the Perelman School of Medicine at the University of Pennsylvania. Dr. Barnhart will testify generally to matters relating to reproductive endocrinology and medical practices in the field of obstetrics. The expert opinions he will offer include, but are not necessarily limited to, the opinion that: (i) pregnancy begins at fertilization of the egg by sperm; (ii) fertilization must of necessity take place within 24 hours of ovulation; (iii) the Product, by estimating weeks since ovulation, estimates weeks since the start of pregnancy; (iv) women generally understand what ovulation is and its relationship to conception (fertilization); (v) women are generally not familiar with the way doctors conventionally date pregnancy (i.e., from the date of a woman's last menstrual period); and (vi) neither the challenged advertising nor the Product does not pose a health risk to consumers.

Sarah Butler. Ms. Butler is a Vice President at NERA Economic Consulting where she participates in the Intellectual Property, Product Liability, Antitrust, and Labor Practices. Ms. Butler will testify generally as to how the flawed methodology, including the inappropriate design and insufficient questions, of C&D's survey experts, Mr. Hal Poret and Dr. Bruce Isaacson, render their conclusions irrelevant and unreliable. As to Mr. Poret, Ms. Butler's expert testimony will address (but is not limited to): (i) how his universe of survey respondents is both under-representative and over-inclusive; (ii) how his survey does not reflect marketplace conditions; and (iii) how his assumption that "weeks pregnant" and "weeks since ovulation" are mutually exclusive propositions caused him to miscode responses. As to Dr. Isaacson, Ms. Butler's testimony will address (but is not limited to): (i) how his control is so deeply flawed that it renders his survey unusable; and (ii) how he makes the same unjustified assumption that weeks since ovulation and weeks pregnant are mutually exclusive propositions.

Dr. Alan J. Cox. Dr. Cox is an economist and Senior Vice President at the San Francisco office of NERA Economic Consulting. Dr. Cox will testify generally as to what constitutes a reasonable basis, grounded in accepted economic principles, for establishing a causal link between the alleged false advertising and C&D's sales, profits, or market share, and how the evidence does not support a claim that C&D lost profits or market share as a result of the alleged false advertising. He will also testify as to the reasons it would be inappropriate to award C&D an injunction even if the data and economic reasoning could show an impact of alleged false advertising and the dissemination of misleading information. He will also explain how Dr. Erdem bases her conclusions on nothing more than a coincidence in timing between a purported

decline in C&D's revenue share and the commencement of an advertising campaign that contained allegedly false information, and why her analysis should not be considered as the basis for a finding of liability or damages in this case.

Ryan Daly. Mr. Daly is responsible for marketing and sales of the Clearblue® range of home pregnancy and ovulation tests in the Americas, including the United States of America. Mr. Daly will testify about the strong sales record the Weeks Estimator enjoys worldwide, reflecting the robust demand for products that estimate weeks since ovulation/conception, as well as describe the relative market shares, sales and pricing of the First Response and Clearblue line of products over time to rebut C&D's mischaracterizations of such data. He will testify about the Weeks Estimator launch in the U.S. and about SPD's marketing of the Weeks Estimator in the U.S. generally. He will describe the system and practices SPD has in place to ensure that all potential advertising, including for the Weeks Estimator, is reviewed before reaching the consuming public. Mr. Daly will also explain how, contrary to C&D's claims, none of the messaging related to the product conveys to women that it gives the same estimate of weeks as that provided by a doctor. Lastly, Mr. Daly will testify as to why the alleged false advertising was not misleading or confusing, and has in any event been discontinued in the ordinary course and/or modified based on guidance from the FDA. Mr. Daly will also testify as to certain subjects by deposition.

Mark Gittins. Mr. Gittins was the Chief Compliance Officer of SPD and Head of the Bedford (England) Sit of SPD Development Company Ltd, a fully owned subsidiary of SPD Swiss Precision Diagnostics GmbH. He retired on September 10, 2014. Mr. Gittins will provide testimony regarding (i) the FDA's post-clearance approval of SPD's Weeks Estimator ("WE") marketing, and (ii) SPD's full compliance with the FDA mitigation measures. His testimony will include (but is not necessarily limited to) modifications SPD made to the WE carton, television commercial, press release, and certain youtube.com videos in order to address FDA's concerns about certain advertising for the product. He will also testify concerning the overall mitigation plan and proposed packing SPD submitted to the FDA, and how the FDA expressly approved the package (with the reference to ovulation) and SPD's proposed timetable for mitigation measures.

Dr. Sarah Johnson. Dr. Johnson is the Head of Clinical and Medical Affairs at SPD Development Company Limited, which is the research unit for SPD Swiss Precision Diagnostics, GmbH. Dr. Johnson will testify generally regarding background for the Weeks Estimator, including its history of worldwide sales with no reportable event, and the science behind which the estimator feature functions. She will also describe the regulatory processes the FDA employs to review new devices prior to marketing, including the 510(k) process used to clear the Weeks Estimator under the "SE [substantial equivalence] with limitations" provision. Dr. Johnson will explain the close scrutiny the FDA afforded to the Weeks Estimator under the "with limitations" standard, particularly with respect to the various iterations of package labeling and inserts for the product, and how the FDA ultimately crafted language to sufficiently address any potential for harm to consumers. Dr. Johnson will also offer testimony regarding (i) the FDA's post-clearance approval of SPD's Weeks Estimator ("WE") marketing, and (ii) SPD's full compliance with the FDA mitigation measures. Finally, Dr. Johnson will offer testimony that critiques opinions expressed by C&D's expert, Dr. Pasquale Patrizio. First, her testimony will show that the bases for Dr. Patrizio's opinion that the Weeks Estimator does not estimate the start of pregnancy are

demonstrably false. Second, her testimony will shed light generally upon Dr. Patrizio's numerous distortions and mischaracterizations of SPD's documents in order to support his opinion that the Weeks Estimator does not estimate weeks since pregnancy began. Third, she will testify regarding why Dr. Patrizio's opinion that SPD withheld evidence of customer confusion is incorrect. Dr. Johnson will also testify as to certain subjects by deposition.

Cristobal Montero. Mr. Montero is the Global Financing Planning & Analysis Group Manager at SPD Swiss Precision Diagnostics GmbH. Mr. Montero will provide testimony regarding the systems SPD uses to track the sale of pregnancy test products, including the Weeks Estimator. From this information, Ms. Montero will also provide testimony regarding the total sales volume for Weeks Estimator test kits sold for use in the United States between August 2013 to June 30, 2014, and worldwide between July 2008 to June 30, 2014.

Joanna Pike. Dr. Pike is the Senior Global Pregnancy Product Manager for SPD Swiss Precision Diagnostics GmbH. Dr. Pike will offer testimony to clarify an email between herself and colleagues that C&D's expert, Dr. Pasquale Patrizio, uses as support to suggest that Dr. Pike, or SPD, share his opinion that pregnancy is not dated based on time since ovulation. Dr. Pike's testimony will provide overall context for the correspondence, including that it related to proposed print advertising prepared by an outside agency prior to launch of the product in the U.S. that SPD never used, and make clear that she does not share Dr. Patrizio's opinion about whether ovulation is a medically recognized reference point for the start of pregnancy.

Mary D. Sammel. Dr. Sammel is Professor of Biostatistics at the University of Pennsylvania Perelman, School of Medicine, department of Biostatistics and Epidemiology. Dr. Sammel will provide expert testimony on matters relating to statistical analysis of sales and consumer inquiry data. In particular, the expert opinions she offers will show that the statistical significance of the number of complaints that C&D's expert, Dr. Pasquale Patrizio, refers to, as well as the number of worldwide and U.S. based complaints regarding the Weeks Estimator, do not support his argument that consumers are misusing the Weeks Estimator or mistakenly believe that the product estimates pregnancy duration the same way a doctor does. She will further testify that, if anything, the few number of complaints suggest the opposite of Dr. Patrizio's argument: that the Weeks Estimator is a safe product that does not confuse consumers.

Dr. Joel H. Steckel. Dr. Steckel is Professor of Marketing and the Vice Dean for Doctoral Education at the Leonard N. Stern School of Business, New York University. Dr. Joel Steckel's testimony will show that the opinions of C&D's expert, Dr. Tulin Erdem, that (a) C&D has been harmed and (b) the harm has been caused by SPD's allegedly false advertising, are wholly unreliable. Among the expert opinions Dr. Steckel will offer include (but are not limited to) demonstrating: (i) why the data Dr. Erdem presents show no evidence of harm to C&D; (ii) how Dr. Erdem's analyses are correlational at best and do not support a conclusion about causality; (iii) that Dr. Erdem presents no evidence to show that the allegedly false messages were a driver behind any impact the Weeks Estimator allegedly had on C&D; (iv) that Dr. Erdem presents no evidence that consumers are misled by the allegedly false Weeks Estimator advertising; and (v) that even if consumers are misled in the manner that C&D alleges, that C&D has been harmed as a result. Dr. Steckel will also explain that the conclusions of studies conducted by C&D's survey experts, Mr. Hal Poret and Dr. Bruce Isaacson, do not in any way demonstrate that consumers were likely to have been misled by the alleged false advertising for

the Weeks Estimator. He will also testify about the two survey experts' failure to address the implicit assumption they make, that women infer the first day of the last menstrual period to be the time of pregnancy and recognize that to be what the medical profession uses as well, and how this failure undermines whatever conclusions they reach about whether the Weeks Estimator advertising misleads consumers.

Kirsten Suarez. Ms. Suarez is the BFO Brand Manager for the Olympics at Procter & Gamble. She served from March 2012 to January 2014 as the Brand Manager for SPD Swiss Precision Diagnostics GmbH's Clearblue line of products. Ms. Suarez's testimony will cover three topics. First, she will testify regarding SPD's retention of Tamara Mowry-Houseley as a celebrity spokesperson for the Weeks Estimator, including but not limited to Ms. Mowry-Houseley's preparation on the messages and claims about the Weeks Estimator that SPD informed her she was permitted and not permitted to say. Second, Ms. Suarez will testify as to consumers' understanding of the relationship between ovulation and conception, with particular emphasis on email correspondence between herself and several colleagues concerning marketing language to adopt in scripts for videos on how to use the Weeks Estimator. Third, Ms. Suarez will testify regarding references to the Weeks Estimator's estimating function on various social media sites, and the validity of making judgments about broad consumer reactions to a product based on anecdotal comments.

Rebecca Tan. Ms. Tan is the Head of Consumer Support at SPD Swiss Precision Diagnostics GmbH. Ms. Tan will provide testimony concerning SPD's system for receiving and processing customer contacts for the Weeks Estimator, which may occur via social media outlets, regular mail, email, or the "Careline," which refers to SPD's customer service call in numbers. Her testimony will include (but is not limited to): (i) describing how contacts are assigned subject codes depending on the nature of the contact, (ii) the total number of complaints worldwide for the Weeks Estimator between January 2, 2008 to June 30, 2014, and (iii) how many of those complaints originated in the United States and pertained to the Weeks Estimator's estimation of weeks function.

SPD has offered deposition testimony for the following witnesses:

Dr. Pasquale Patrizio. Dr. Patrizio will testify concerning, among other potential subjects: (i) that Doctors date pregnancy based on time of ovulation when the date of ovulation is known; (ii) his assertions of risk to consumers; and (iii) that women cannot be pregnant while menstruating and before they have ovulated.

Dr. Albert Nazareth. Dr. Nazareth will testify concerning, among other potential subjects, C&D's plans to develop and market a pregnancy product with a dating function.

Dr. Timothy Snowden. Dr. Snowden will testify concerning, among other potential subjects, C&D's plans to develop and market a pregnancy product with a dating function, as well as certain positions C&D is taking in this lawsuit.

Dr. Bruce Isaacson. Dr. Isaacson will testify concerning, among other potential subjects, the survey he conducted in this case on behalf of C&D; the assumptions he made in conducting in survey, and his failure to investigate women's beliefs as to how pregnancy is dated.

Dr. Tulin Erdem. Dr. Erdem will testify concerning, among other potential subjects, the reports she prepared in this case on behalf of C&D; the assumptions she made in rendering her opinions in this case about injury to C&D, and her failure to investigate women's beliefs as to how pregnancy is dated.

Hal Poret. Mr. Poret will testify concerning, among other potential subjects, the survey he conducted in this case on behalf of C&D; the assumptions he made in conducting his survey, and his failure to investigate women's beliefs as to how pregnancy is dated.

Stacey Feldman. Ms. Feldman will testify concerning, among other potential subjects: (i) C&D's plans to develop and market a pregnancy test with a hCG dating function; (ii) the elements of the challenged advertising that C&D contends render the advertising false; and (iii) C&D's awareness of SPD's advertising for the Weeks Estimator outside of the United States.

SPD has identified the following witnesses, identified in C&D's witness list, whom SPD intends to cross-examine live and expects to call to the witness stand for that purpose:

Dr. Pasquale Patrizio
Dr. Timothy Snowden
Dr. Bruce Isaacson
Dr. Tulin Erdem
Hal Poret
Stacey Feldman

SPD reserves the right to call to provide live testimony at trial any witness SPD deposed in this case, in particular to the extent their designated deposition testimony is not admitted into evidence. SPD also reserves the right to call to provide live testimony at trial any witness on C&D's witness list.

ix. A designation by each party of deposition testimony to be offered in its case in chief and any counter-designations and objections by any other party.

Church & Dwight's deposition designations are set forth in Exhibit A hereto. Church & Dwight's objections and counter-designations to SPD's deposition designations are set forth in Exhibit B hereto.

SPD's deposition designations are set forth in Exhibit C hereto. SPD's objections and counter-designations to Church & Dwight's deposition designations are set forth in Exhibit D hereto.

x. A list by each party of exhibits to be offered in its case in chief, with one star indicating an objection by the opposing party based on authenticity.

Church & Dwight's List of Trial Exhibits is annexed hereto as Exhibit E. Church & Dwight's objections to SPD's Trial Exhibits are set forth in Exhibit F hereto.

SPD's List of Trial Exhibits is annexed hereto as Exhibit G. SPD's objections to Church & Dwight's Trial Exhibits are set forth in Exhibit H hereto.

- xi. A statement of the damages claimed and any other relief sought, including the manner and method used to calculate any claimed damages and a breakdown of the elements of such claimed damages.**

Not applicable. Damages issues have been bifurcated from liability.

- xii. A statement of whether the parties consent to less than a unanimous verdict.**

Not applicable. This case is to be tried to the Court without a jury.

Dated: March 5, 2015

Respectfully submitted,

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Exhibit A

Church Dwight's Deposition Designations

Mark Gittins - 9/5/2014
9:10-9:11
9:18-9:25
10:9-10:15
11:13-11:15
12:13-12:18
15:10-17:7
29:6-29:12
29:23-30:17
32:7-33:14
35:10-35:11
35:19-35:25
37:6-37:11
37:20-38:6
38:16-38:17
38:19-40:15
42:7-42:8
42:11-43:12
45:7-45: 18
45:20-46:14
49:12-17
50:6-51:1
51:9-52:4
54:5-54:7
54:9-54:22
54:24-55:12
62:15-62:25
66:5-68:18
69:18-69:24
70:8-70:14
70:21-70:22
70:24-70:24
72:10-72:12
72:14-72:18
72:20-73:7
75:6-75:8
76:5-76:9
76:15-77:13
82:2-82:3
82:5-82:6
82:10-82:25
83:4-83:16
84:16-84:25
85:4-85:6
85:9-85:25

Church Dwight's Deposition Designations

86:2-86:17
87:23-88:5
89:15-89:23
90:5-90:15
90:17-90:17
91:19-94:4
94:15-94:19
95:6-95:7
95:9-96:19
97:1-97:5
97:7-97:16
97:18-98:3
98:6-98:14
98:16-98:20
100:22-101:5
105:13-105:13
105:18-105:18
105:21-105:24
109:14-109:21
111:13-111:19
111:25-112:3
112:5-113:3
113:12-18
113:20-114:7
114:10-114:10
115:7-115:17
119:14-119:20
122:23-123:12
124:22-125:16
125:18-126:12
128:5-128:8
128:10-128:19
129:5-129:9
129:18-130:11
132:11-133:21
135:14-135:19
136:10-136:21
136:24-136:24
137:2-137:5
137:7-138:17
138:20-138:20
139:16-140:8
141:6-142:15
143:22-144:2
144:5-144:21

Church Dwight's Deposition Designations

144:24-144:24
145:1-146:5
147:1-147:2
147:5-147:21
149:6-150:1
150:4-150:5
150:21-151:13
152:5-153:1
153:3-153:3
153:11-153:22
153:24-154:4
154:9-155:6
155:8-155:11
159:8-159:11
159:13-159:13
160:4-160:7
161:6-161:9
164:1-164:6
164:9-164:16
165:23-166:1
172:3-172:7
173:12-174:9
176:7-177:19
181:16-181:23
182:1-182:12
182:18-183:4
183:9-183:21
184:6-187:24
188:2-188:13
188:15-189:2
190:21-191:4
191:7-191:13
191:18-191:24
192:1-192:15
192:20-193:5
193:8-193:10
193:13-193:23
193:25-194:5
194:7-194:12
194:15-194:24
195:8-195:11
196:3-196:16
196:18-196:23
197:2-197:9
197:11-197:12

Church Dwight's Deposition Designations

197:19-197:25
198:8-198:11
199:22-200:13
200:17-201:5
201:10-202:10
202:12-202:22
203:7-203:9
203:12-203:15
204:2-204:2
204:5-204:11
204:14-204:17
204:19-205:16
206:18-206:21
206:23-206:24
208:14-208:19
208:22-209:5
210:1-210:8
210:25-211:1
211:4-211:7
212:19-212:21
212:23-213:4
213:7-213:15
214:11-214:12
214:15-214:16
215:9-215:10
215:13-215:13
216:1-216:23
217:11-217:13
217:16-217:25
218:7-218:8
220:5-220:10
220:17-221:19
221:25-222:9
224:15-225:22
230:24-231:6
233:16-233:24
236:6-236:16
241:4-241:12
243:21-244:14

Church Dwight's Deposition Designations

Ryan Daly – 9/11/2014
82:17-83:6
109:21-110:22
111:17-112:6
123:9-123:17
125:13-126:4
126:21-127:7
138:21-139:6
141:20-144:5
167:6-167:21
172:11-173:5
193:4-194:3
196:21-197:23
220:15-221:9
228:13-229:11
232:19-235:2
235:6-236:18
237:11-238:23
241:22-242:18
255:17-256:17
269:19-270:19
271:5-273:19
303:23-304:15
305:16-306:18
308:4-308:15
310:17-314:15
336:9-342:7

Church Dwight's Deposition Designations

Joanna Pike – 9/18/2014
15:7-15:12
15:24-18:11
21:22-22:4
31:12-31:24
32:3-32:3
32:7-32:19
34:12-34:24
73:21-74:20
76:16-76:23
83:15-84:3
84:9-85:8
108:3-108:22
123:13-123:25
130:7-132:5
143:21-144:16
149:3-152:9
153:20-154:6
157:6-158:19
159:13-161:19
161:24-164:21
165:9-165:15
176:22-178:9
179:13-183:18
188:22-189:17
209:18-210:2
210:17-213:24
216:6-216:6
216:14-217:9

Church Dwight's Deposition Designations

Sarah Johnson – 9/19/2014
18:7-19:5
23:16-25:7
27:16-28:3
64:1-64:11
72:14-73:1
75:5-75:13
129:5-129:25
150:1-150:24
166:10-166:17
184:6-185:20

Church Dwight's Deposition Designations

Kirsten Suarez – 9/30/2014
20:4-20:12
22:1-22:19
43:3-44:6
44:9-46:6
48:21-49:7
53:23-55:7
80:3-80:25
84:16-85:10
99:16-99:22
117:22-121:1
128:20-130:25
135:10-136:19
235:8-237:25

Church Dwight's Deposition Designations

Karen Linton – 10/2/2014
13:17-13:20
17:4-19:7
24:20-26:2
53:19-56:21
72:11-75:10
78:5-79:25
80:2-81:8
82:8-83:11
84:23-87:12
92:2-93:22
95:2-95:10
100:23-101:11
103:7-104:23
109:15-111:22
111:24-113:8
113:22-114:17
116:19-117:8
117:23-118:14
118:23-119:21
124:9-125:5
126:14-127:10
128:10-128:19
129:1-130:9
141:3-143:22

Church Dwight's Deposition Designations

Robert Cutajar – 10/16/2014
8:4-8:12
14:3-15:10
15:14-15:18
16:18-17:3
19:25-24:19
32:20-33:15
44:20-46:3
46:13-52:24
53:15-53:23
55:22-59:7
59:2-59:7
71:14-72:3
78:24-79:21
86:6-89:6
93:8-93:14
95:10-96:19
99:14-101:8
102:6-103:5
127:21-128:3
128:6-128:25
150:2-150:4
150:6-151:1
151:4-151:4
151:7-152:20

Church Dwight's Deposition Designations

Stewart Wilson - 11/21/2014
6:1-6:19
7:4-8:7
8:23-10:12
26:5-26:12
27:15-27:22
28:10-29:6
29:23-30:14
31:3-31:18
34:22-37:10
39:17-40:8
40:13-41:9
41:11-41:12
44:20-45:17
46:1-46:19
47:17-51:25
56:25-57:10
68:19-74:4
74:19-76:4
76:23-84:10
84:12-84:21
84:24-85:9
92:25-93:20
96:18-101:24

Church Dwight's Deposition Designations

Sarah Johnson – 11/13/2014
203:19-204:18
209:25-210:21
212:7-212:17
214:4-215:11
216:8-217:11
220:8-221:13
230:17-234:18
236:18-238:19
242:25-243:17
244:9-244:18
247:13-247:19
253:5-256:7
268:7-268:16
270:4-271:14
295:21-296:9
299:22-300:8
301:23-302:12
322:20-325:9
338:12-339:22
341:25-342:9
353:3-353:12
359:3-359:18
372:21-373:6
374:16-375:23
376:23-378:16
380:19-381:11
385:19-387:5
392:13-393:12
393:12-394:21
398:3-399:10
399:16-401:8
407:6-408:17
422:15-424:15
446:15-447:5

Church Dwight's Deposition Designations

Mark Gittins – 12/4/2014
266:9-266:16
268:14-269:17
271:23-273:24
274:2-274:6
274:14-274:17
277:15-278:11
278:14-278:21
282:6-282:11
282:15-282:21
307:3-307:7
307:9-307:13
307:17-307:21
307:25-309:2
313:13-313:15
313:17-313:20
314:16-315:6
316:15-316:19
319:25-320:2
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323:10-324:5
324:11-324:25
325:7-326:8
326:14-326:14
326:19-327:20
328:22-329:17
334:7-334:20
335:8-335:18
335:21-336:9
336:12-336:16
339:10-339:14
340:4-340:13
341:5-341:13
341:15-341:20
342:15-342:25
344:16-345:3
345:9-346:2
346:5-346:14
349:5-349:15
349:18-350:2
350:6-350:10
351:7-351:10
351:12-351:23
352:19-354:7
354:14-354:22

Church Dwight's Deposition Designations

355:2-356:18
357:70357:7
357:9-359:14
359:20-360:8
361:24-362:25
363:9-366:24
367:1-367:2
367:9-368:17
368:20-370:5
371:16-373:20
373:22-373:22
373:24-373:25
375:16-378:12
380:1-380:8
380:11-380:16
380:18-380:20
381:9-381:13
381:16-381:21
381:24-381:24
382:18-386:13
386:19-386:21
386:25-394:4
394:25-400:23
401:1-401:13
401:25-404:16
405:2-407:13
407:22-408:23
409:1-409:8
409:10-409:10
409:12-409:16
409:19-410:23
412:19-413:05
413:13-413:22
414:5-414:14
414:19-414:21
414:24-414:25
415:4-415:7
415:11-415:18
415:22-417:7
417:20-418:19
418:22-419:4
419:23-421:3
421:6-421:14
421:16-421:18
422:6-422:16

Church Dwight's Deposition Designations

422:25-423:17
424:5-424:22
424:25-426:13
426:16-426:17
429:6-430:10
430:13-430:22
430:25-431:8
431:21-433:10
433:13-433:13
433:17-435:22
436:19-436:22
436:25-437:4
437:7-437:10
438:10-438:16
438:20-439:3

Exhibit B

Church & Dwight Co., Inc. v. SPD Swiss Precision Diagnostics GmbH
USDC – SDNY No. 14-CV-585 (AJN)

Church & Dwight’s Objections and Counter-Designations to SPD’s Deposition Designations

Church & Dwight objects to all of the deposition designations proffered by SPD for Stacey Feldman, Bruce Isaacson, Pasquale Patrizio, Tulin Erdem, Sarah Johnson, Ryan Daly and Hal Poret because each such witness will be testifying in person at trial. Accordingly, pursuant to Rule 5.A.viii (as referenced in Rule 5.F.ii) of the Court’s Individual Practices in Civil Cases, deposition testimony may not be offered for these witnesses. Additionally, Church & Dwight objects to all of the deposition designations proffered by SPD for Sarah Johnson and Ryan Daly on the additional ground that they are not adverse party witnesses as to SPD, are under SPD’s control and thus will not be unavailable at the time of trial. *See* Fed. R. Civ. P. 32(a)(3) and (4).

Church & Dwight proffers the following objections and counter-designations to SPD’s deposition designations for Timothy Snow and Albert Nazareth:

Timothy Snowden - 01/08/2015	Objection To SPD Designation	Church & Dwight Counter-Designation
4:15-5:3	Lacks relevance (FRE 401, FRE 402)	
9:24-18:8	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	
29:14-31:7	Opinion testimony form an individual not qualified as an expert (FRE 702, FRE 703)	
34:24-35:11	Opinion testimony form an individual not qualified as an expert (FRE 702, FRE 703); Incomplete requires remainder of related evidence (FRE 106)	31:8-34:23
36:4-14	Opinion testimony form an individual not qualified as an expert (FRE 702, FRE 703); Incomplete requires remainder of related evidence (FRE 106)	35:12-36:3

54:16-56:12	Opinion testimony from an individual not qualified as an expert (FRE 702, FRE 703); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	51:25-54:6
65:20-68:3	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106)	70:15-20
82:21-85:11	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	86:11-21
92:18-96:2	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	91:7-92:17
159:25-162:7	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	159:5-24, 162:8-23
167:12-168:3	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	168:7-25
169:2-169:10	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	170:14- 171:20
176:19-177:2	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	177:3-178:9
185:12-186:7	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Outside the scope of the 30(b)(6)	185:8-15
186:16-186:24	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Outside the scope of the 30(b)(6)	187:3-20

187:21-188:8	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Outside the scope of the 30(b)(6)	189:2-13, 190:8-192:14
198:12-199:8	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Outside the scope of the 30(b)(6)	198:4-11
201:14-201:23	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	201:24- 202:12
202:24-203:11	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Outside the scope of the 30(b)(6)	204:25- 206:16
210:2-211:8	Lacks relevance (FRE 401, FRE 402); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602); Outside the scope of the 30(b)(6)	211:6-212:11

Albert Nazareth - 10/01/2014	Objection To SPD Designation	Church & Dwight Counter- Designation
5:13-6:3	Lacks relevance (FRE 401, FRE 402)	
13:4-16:2	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	
18:8-19:8	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	
23:10-25:20	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	
27:18-29:12	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	
42:10-20	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602);	
44:21-48:13	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	49:2-25, 62:2-63:16, 65:4-8

50:9-51:12	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	
71:6-22	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	72:1073:9
95:16-20	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	93:24-94:18
96:3-99:4	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	99:5-17
99:22-101:15	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	99:5-17, 103:9-17
105:12-107:9	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	105:10-21
107:22-108:11	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	110:10-13
112:13-113:7	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	111:5-7
114:7-115:2	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	115:20-116:6
116:20-117:5	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	111:5-7
117:11-25	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403)	

118:2-18	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106)	118:19-120:10
122:25-125:22	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106)	126:6-12, 126:21-127:11
129:21-131:15	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106)	131:16-132:9
135:12-136:13	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106)	138:5-18, 144:15-25
147:9-21	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	148:20-25
154:14-155:24	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	157:8-19, 159:8
162:24-163:18	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	164:9-16
167:3-169:16	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	169:24-170:24
171:5-173:3	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	173:4-8
175:6-176:5	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Incomplete requires remainder of related evidence (FRE 106); Lack of foundation/personal knowledge (FRE 602)	177:19-178:10
179:11-180:4	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	178:22-179:10

191:5-192:10	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602); Incomplete requires remainder of related evidence (FRE 106)	190:22-191:4
193:9-20	Lacks relevance (FRE 401, FRE 402); waste of time (FRE 403); Lack of foundation/personal knowledge (FRE 602)	

Exhibit C

Stacey Feldman - 10/02/2014
26:1-25
29: 2-8
76:4-14
95:13-19
102:2-11
102:1-25
109:1-121:25
132:10-133:22
142: 14-16
142:1-25
143:7-15
143:1-25-145:1-25
194:1-196:25
247:1-25
253:1-25
258:1-259:25
268:1-25
295:1-25
326:1-25
327:1-328:25
29:10 – 32:17
33:14 – 37-17
44:3 – 48:16
50:17 – 52:13
56:22 – 57:22
59:4 – 60:7
61:9 – 65:4
67:4 – 71:5
71:21 – 79:22
99:22 – 102:11
108:5 – 109:16
120:21 – 121:5
192:23 – 196:21
270:10 – 272:14
273:4 – 275:25
279:21 – 280:11
311:15 – 312:6
334:14 – 341:18
343:9 – 344:9
347:14 – 348:6
352:14 – 355:3
355:18 – 356:17
Bruce Isaacson - 01/15/2015
53:15-63:25
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146:5-147:6
147:7-148:1
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168:1-173:10
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437:4- 438:4
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65:20-68:3
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38:15-39:11
70:24-72:1
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76:01-79:20
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90:1 – 91:4
90:17-94:14
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Exhibit D

SPD's Objections and Counter Designations To C&D's Deposition Designations.

To the extent SPD objects to the deposition testimony or exhibits designated by C&D, counter-designations may be made provisionally, i.e., to be introduced only in the event that SPD's objections are overruled in whole or in part.

SPD has filed motions pursuant to *Daubert* to exclude much of the testimony of C&D's witnesses which, if granted, will result in exclusion of some of the testimony C&D proffers in its pretrial submissions. SPD's applicable counter designations are therefore provisional, in that some would be mooted by the exclusion of such testimony.

The entirety of the deposition testimony of Robert Cutajar should be excluded on grounds of relevance (FRE 401-402) and hearsay (FRE 801-802; 804). He is a disgruntled former employee of P&G and a third party in this action, having left P&G in November 2013, before this action was filed. (Cutajar Dep., 28:24-29:04; 129:1-5; 129:21-130:04; 130:16-24; 172:24-173:12). Absent a showing of unavailability, his testimony is hearsay and may not be heard. (FRE 804(b)(1).) The proponent of the proffered testimony bears the burden of demonstrating the witness' unavailability, and must demonstrate that 'reasonable means' were employed to secure the witness' attendance at trial. *Kirk v. Raymark Industries, Inc.*, 61 F. 3d 147, 165 (3d Cir. 1995) (mere fact that witness was outside the subpoena power of the court insufficient to show "unavailability"). Moreover, by Mr. Cutajar's own testimony he had nothing to do with advertising for the Product at issue in this case; rather, he was exclusively involved in sales presentations to retail establishments (and then only nominally). (Cutajar Dep., 23:06-17; 137:22-138:06; 141:01-17; 142:11-143:2; 143:05-145:13; 147:09-149:23; 154:02-07.) He was not involved in any product advertising whatsoever, nor anything consumer-facing at all. (Id.) Sales presentations to retailers who are not the ultimate consumers of the product are not "advertising" under the Lanham Act. *Gordon & Breach Science Publishers S.A. v. American Inst. Of Physics*, 859 F.Supp. 1521, 1535-36 (S.D.N.Y. 1994) (to be actionable advertising under the Lanham Act, the communications must be (1) commercial speech; (2) by a defendant who is in commercial competition with plaintiff; (3) for the purpose of influencing consumers to buy defendant's goods or services; ... [and they] (4) must be disseminated sufficiently to the relevant purchasing public to constitute "advertising" or "promotion" within that industry.) Should the Court disagree that his testimony should be excluded in its entirety, SPD's counter-designations and additional objections are set forth below.

C&D Deposition Designations - SPD Objections and Counter Designations.

***Designations indicated by yellow highlighting were removed by C&D from its list of designations hours before the parties' Joint Pretrial Report was due. SPD has not yet had the opportunity to assess the effect of the removal of this testimony on its corresponding counter	
***Designations indicated in blue highlighting were added by C&D at the same time. SPD has not yet had the opportunity to submit corresponding counter designations or objections. SPD will address these as appropriate in an amended version of its counter designations to be submitted	
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10:9-10:15	
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12:13-12:18	
15:10-17:7	
29:6-29:12	
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35:19-35:25	
37:6-37:11	
37:20-38:6	
38:16-38:17	
38:19-40:15	
42:7-42:8	42:7-10 Overbroad and vague, asked and answered.
42:11-43:12	
45:7-45: 18	45:7-19 Overbroad
45:20-46:14	45:20-11 Vague
49:12-17	
50:6-51:1	

51:9-52:4	
54:5-54:7	
54:9-54:22	54:9-23 Vague and lacks foundation
54:24-55:12	
62:15-62:25	
66:5-68:18	
69:18-69:24	
70:8-70:14	
70:21-70:22	70:21-23 Overbroad. Vague.
70:24-70:24	
72:10-72:12	72:10-13 Lacks foundation, vague.
72:14-72:18	
72:20-73:7	72:20-22 - Lacks foundation, vague.
75:6-75:8	
76:5-76:9	Object as overbroad.
76:15-77:13	
82:2-82:3	82:2-4 Overbroad and vague
82:5-82:6	
82:10-82:25	82:10-83:2 - Overbroad, assumes facts, lacks foundation, vague.
83:4-83:16	
84:16-84:25	
85:4-85:6	85:4-7 Asked and answered.
85:9-85:25	85:9-86:1 - Lacks foundation, overbroad and vague.
86:2-86:17	
87:23-88:5	
89:15-89:23	
90:5-90:15	90:5-16 Overbroad and vague
90:17-90:17	
91:19-94:4	
94:15-94:19	94:15-95:3 Vague, may call for speculation.
95:6-95:7	95:6-8 - Vague, may call for speculation.
95:9-96:19	
97:1-97:5	97:1-6 - Mischaracterizes the document. Argumentative.

97:7-97:16	97:7-17 - Mischaracterizes the document. Argumentative.
97:18-98:3	97:18-98:5 - Calls for speculation, lacks foundation.
98:6-98:14	98:6-15 - Mischaracterizes the document. Argumentative.
98:16-98:20	
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105:13-105:13	
105:18-105:18	
105:21-105:24	
109:14-109:21	
111:13-111:19	
111:25-112:3	111:25-112:4 - Vague ; Hearsay, FRE 802
112:5-113:3	112:5-113:4 - Calls for speculation, Hearsay, FRE 802
113:12-18	113:12-19 - Calls for speculation, Hearsay, FRE 802
113:20-114:7	113:20-114:9 - Objections, argumentative, unrelated to the document.
114:10-114:10	
115:7-115:17	
119:14-119:20	
122:23-123:12	
124:22-125:16	124:22-125:17 - Calls for speculation and lacks foundation.
125:18-126:12	
128:5-128:8	128:5-128:9 - Vague and argumentative, overbroad.
128:10-128:19	
129:5-129:9	
129:18-130:11	
132:11-133:21	
135:14-135:19	Hearsay FRE 802
136:10-136:21	136:10-136:23 - Hearsay FRE 802, Objection. Vague, overbroad, confusing.
136:24-136:24	Hearsay FRE 802
137:2-137:5	137:2-137:6 - Hearsay FRE 802, May call for speculation
137:7-138:17	137:7-138:19 Hearsay FRE 802, Argumentative, calls for speculation, mischaracterizes the document.
138:20-138:20	Hearsay FRE 802
139:16-140:8	

141:6-142:15	
143:22-144:2	143:22-144:4 - Objection. Calls for speculation, lacks foundation.
144:5-144:21	144:5-144:22 - Objection.
144:24-144:24	144:24-144:25 Argumentative.
145:1-146:5	
147:1-147:2	147:1-147:4 - Calls for speculation, lacks foundation, argumentative.
147:5-147:21	
149:6-150:1	149:6-150:3 Document speaks for itself; argumentative, calls for speculation.
150:4-150:5	Document speaks for itself; argumentative, calls for speculation.
150:21-151:13	
152:5-153:1	152:5-153:2 - Objection, argumentative.
153:3-153:3	
153:11-153:22	153:11-153:23 - Lacks foundation, argumentative, vague.
153:24-154:4	
154:9-155:6	154:9-155:7 Objection, argumentative, asked and answered.
155:8-155:11	
159:8-159:11	159:1-159:12 - FRE 701,702; Calls for speculation, lacks foundation, may call for expert testimony.
159:13-159:13	159:15-160:2 FRE 701,702; Objection:overbroad, calls for expert testimony, vague.
160:4-160:7	160:4-160:8 FRE 701,702; Objection:overbroad, calls for expert testimony, vague.
161:6-161:9	
164:1-164:6	164:1-8 - Objection: asked and answered, overbroad and argumentative, vague, calls for speculation.
164:9-164:16	
165:23-166:1	
172:3-172:7	
173:12-174:9	
176:7-177:19	
181:16-181:23	
182:1-182:12	
182:18-183:4	
183:9-183:21	
184:6-187:24	187:25-188:14 - Objection, calls for speculation. 188:15-189:4 - Objection:argumentative, vague, mischaracterizes the document and the testimony.

188:2-188:13	
188:15-189:2	
190:21-191:4	190:21-191:6 - Objection: assumes facts, mischaracterizes the documents and the testimony.
191:7-191:13	
191:18-191:24	191:18-191:25 - Objection, mischaracterizes exhibit 20.
192:1-192:15	
192:20-193:5	192:20-193:7 - Objection: overbroad, argumentative, may call for a legal conclusion.
193:8-193:10	193:8-12 - Objection: argumentative and vague, may call for a legal conclusion, overbroad.
193:13-193:23	193:13-24 - Overbroad and vague
193:25-194:5	193:25-194:6 - Also calls for legal conclusion
194:7-194:12	194:7-14 - Overbroad and vague, calls for speculation, lacks foundation, may call for expert opinions.
194:15-194:24	194:15-195:7 - Overbroad, vague, calls for a legal conclusion, calls for speculation, may call for expert opinion, lacks foundation. Asked and answered. FRE 701, 702
195:8-195:11	
196:3-196:16	196:3-17 - Objection. Asked and answered, calls for a legal conclusion, overbroad and vague, lacks foundation, may call for speculation. FRE 701, 702
196:18-196:23	196:18-196:24 Objection, asked and answered, calls for speculation, calls for expert opinion, lacks foundation, overbroad and vague. FRE 701, 702
197:2-197:9	197:2-10 - Objection, asked and answered, calls for speculation, calls for expert opinion, lacks foundation, overbroad and vague. FRE 701, 702
197:11-197:12	
197:19-197:25	
198:8-198:11	
199:22-200:13	
200:17-201:5	
201:10-202:10	201:10-202:11 - May call for speculation.
202:12-202:22	
203:7-203:9	203:7-11 - Objection, calls for speculation. Document speaks for itself.
203:12-203:15	
204:2-204:2	
204:5-204:11	204:5-12 - Objection
204:14-204:17	204:14-18 - Argumentative, overbroad.

204:19-205:16	
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206:23-206:24	
208:14-208:19	208:14-21 - Argumentative, compound, calls for speculation, mischaracterizes the documents, vague.
208:22-209:5	
210:1-210:8	
210:25-211:1	210:25-211:3 - Objection: assumes facts; lacks foundation; may ball for speculation; may call for expert opinion.
211:4-211:7	
212:19-212:21	212:19-22 - Objection, vague and overbroad FRE 701, 702.
212:23-213:4	212:23-213:6 - Objection, overbroad and vague, calls for expert opinion.
213:7-213:15	
214:11-214:12	214:11-14 - Objection, overbroad and vague, calls for expert opinion, and speculation. FRE 701, 702.
214:15-214:16	
215:9-215:10	215:9-12 - Objection, overbroad, lacks foundation, may call for expert opinion. FRE 701, 702
215:13-215:13	
216:1-216:23	
217:11-217:13	217:11-15 - Vague, may call for speculation, lacks foundation.
217:16-217:25	
218:7-218:8	
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221:25-222:9	
224:15-225:22	
230:24-231:6	
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241:4-241:12	
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75:10-77:13	
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160:23-161:5	
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87:9-87:17	
109:21-110:22	
111:17-112:6	
123:9-123:17	
125:13-126:4	
126:21-127:7	Objection, no foundation, assumes facts
133:4-134:17	
138:21-139:6	
141:20-144:5	
167:6-167:21	
172:11-173:5	
193:4-194:3	
196:21-197:23	197:17-19 - Objection hearsay; 197:20-21 - Objection calls for speculation; 197:22-23 - No Foundation
220:15-221:9	
228:13-229:11	228:17-229:3 - Objection Calls for Speculation; No Foundation; 229:9-11 - Objection Incomplete

232:19-235:2	234:14-235:2 - Objection Vague, compound calls for speculation, no foundation
235:6-236:18	
237:11-238:23	
241:22-242:18	
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310:17-314:15	310:21-311:16 - Objection No Foundation, Calls for speculation; 313:25-314:15 - Objection No Foundation, Calls
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331:10-331:14	
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31:12-31:24	
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34:12-34:24	
73:21-74:20	74:9-20: Objection Hearsay no foundation, calls for speculation
76:16-76:23	
83:15-84:3	83:15-21: Objection Hearsay
84:9-85:8	84:9-25: Objection Hearsay
108:3-108:22	
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188:22-189:17	
209:18-210:2	
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216:6-216:6	216:5-6: Objection Incomplete
216:14-217:9	
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84:4-8	
183:19-185:10	
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18:7-19:5	
23:16-25:7	23:16-24:25 - Objection, vague.
27:16-28:3	

64:1-64:11	
72:14-73:1	72:14-18 - Objection. Lacks foundation, overbroad. Argumentative. May call for speculation.
75:5-75:13	75:5-8 - Objection. Overbroad, vague. Lacks foundation.
129:5-129:25	Objection. Beyond the scope of the 30(b)(6). Vague.
150:1-150:24	
166:10-166:17	Objection. Incomplete hypothetical. Calls for speculation. Vague.
184:6-185:20	184:6-185:3 - Objection. Overbroad, compound. May call for a narrative. And vague. 185:4-13 - Objection. Overbroad and vague. Compound.
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64:14-66:6	
66:12-67:6	
69:9-70:24	
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51:15-55:7	Removed 51:15-53:22
53:23-55:7	

65:12-66:3	Obejction Assumes facts, call for speculation. No foundation
80:3-80:25	
84:16-85:10	
88:5-88:18	Objection assumes facts, calls for speculation. No foundation
99:16-99:22	
109:16-109:22	
112:10-115:12	112:23-113:13 - Objection calls for specualtion, vague unintelligible, no foundation; 114:10-115:12 - Objection calls for speculation
116:2-117:5	
117:22-121:1	118:24-121:1 - Objection no foundation, calls for speculation
122:19-125:17	
128:20-130:25	130:5-25 - Obejction no foundation
135:10-136:19	
147:12-147:21	
157:9-157:25	Objection, no foundation
159:22-160:4	
187:20-189:8	
199:6-199:23	199:12-23 - Objection no foundation calls for especulation, hearsay
201:7-201:15	Obejction, no foundation calls for speculation, hearsay
204:1-205:22	No foundation calls for speculation
206:2-208:7	
214:7-214:23	Objection no foundation, calls for speculation
235:8-238:19	Removed 238:1-238:19
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13:17-13:20	
17:4-19:7	
24:20-26:2	
53:19-56:21	
72:11-75:10	
78:5-79:25	78:5-12 - Objection. Vague. Argumentative. No Foundation. Calls for Speculation. Mischaracterizes the testimony. 78:13-24 - Objection. Calls for speculation. 78:25-79:7 - Objection. Vague. 79:8-25 - Objection. Vague. Objection. May call for speculation. Lacks foundation. Mischaracterizes the testimony.
80:2-81:8	
82:8-83:11	
84:23-87:12	
92:2-93:22	
95:2-95:10	Objections, No Foundation, Calls for Speculation
100:23-101:11	
103:7-104:23	
109:15-111:22	
111:24-113:8	112:13-113:8 - Objection, No Foundation, Calls for speculation
113:22-114:17	
116:19-117:8	
117:23-118:14	
118:23-119:21	
124:9-125:5	
126:14-127:10	
128:10-128:19	
129:1-130:9	
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15:14-15:18	
16:18-17:3	
19:25-24:19	Not relevant/no foundation, FRE 401-402
32:20-33:15	Not relevant/no foundation, FRE 401-402
44:20-46:3	Not relevant/no foundation, FRE 401-402
46:13-52:24	No foundation, no personal knowledge, FRE 401-402; FRE 602
53:15-53:23	No foundation, no personal knowledge, FRE 401-402; FRE 602
55:22-59:7	No foundation, no personal knowledge, FRE 401-402; FRE 602
59:2-59:7	
71:14-72:3	No foundation, no personal knowledge, FRE 401-402; FRE 602
78:24-79:21	No foundation, no personal knowledge, FRE 401-402; FRE 602
86:6-89:6	Not relevant/no foundation, FRE 401-402
93:8-93:14	Not relevant/no foundation, FRE 401-402
95:10-96:19	No foundation, no personal knowledge, FRE 401-402; FRE 602
99:14-101:8	No foundation, no personal knowledge, FRE 401-402; FRE 602. Hearsay, FRE 801-802.
102:6-103:5	No foundation, no personal knowledge, FRE 401-402; FRE 602. Hearsay, FRE 801-802.
127:21-128:3	Not relevant/no foundation, FRE 401-402
128:6-128:25	Not relevant/no foundation, FRE 401-402
150:2-150:4	No foundation, no personal knowledge, FRE 401-402; FRE 602
150:6-151:1	No foundation, no personal knowledge, FRE 401-402; FRE 602
151:4-151:4	
151:7-152:20	No foundation, no personal knowledge, FRE 401-402; FRE 602. 152:10-16 - Hearsay, FRE 801-802.
Counter Designations	
15:11-13	
15:19-23	
16:07-17	
17:22-19:02	
23:06-17	
28:24-29:04	

29:20-30:23	
46:04-12	
52:25-53:14	
53:25-54:05	
59:08-60:10	
63:13-65:07	
80:04-10	
83:14-19	
86:02-05	
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106:25-107:06	
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129:01-130:24	
136:19-139:23	
141:01-141:17	
142:01-150:01	
153:24-154:07	
156:03-157:10	
159:02-161:15	
170:20-171:05	
172:24-173:12	
178:21-179:15	
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6:1-6:19	
7:4-8:7	
8:23-10:12	
26:5-26:12	
27:15-27:22	
28:10-29:6	
29:23-30:14	
31:3-31:18	
34:22-37:10	34:25-37:2 - Objection, Hearsay

39:17-40:8	Objection, Hearsay
40:13-41:9	41:8-9 Objection, No Foundation. Mischaracterizes the testimony.
41:11-41:12	Objection, No Foundation
44:20-45:17	
46:1-46:19	46:7-19 - Objection, Hearsay and 46:20-47:16 - Obejction. Hearsay.
47:17-51:25	47:17-49:14 - Objection, Hearsay, 51:18-25 - Objection, Hearsay
56:25-57:10	
68:19-74:4	70:14-73:3 - Objection, Hearsay, 73:15-74:4 - Objection, Hearsay
74:19-76:4	
76:23-84:10	78:11-79:1 - Objection, Hearsay, 79:7-17 - Objection Vague Compound, 80:12-25 - Objection Vague speculation, 81:1-9 - Calls for Speculation. May Call for a legal conclusion. Lacks foundation. 81:10-22 - Calls for speculation. Lacks foundation. 81:23-82:7 - Calls for speculation. Lacks foundation. 82:8-23 -Calls for speculation. Lacks foundation. Incomplete hypothetical. 83:4-20 - Hearsay. 84:5-10 - May call for speculation.
84:12-84:21	84:11 - Objection. May call for Speculation. 84:18-25 - Argumentative. Vague. Asked and answered.
84:24-85:9	
92:25-93:20	
96:18-101:24	100:11-101:24 - Hearsay, Calls for speculation.
Counter Designations	
31:19-32:6	
40:9-12	
46:20-47:16	
53:14-54:3	
57:21-58:-16	
68:5-18	
84:11	
84:22-23	
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203:19-204:18	
209:25-210:21	
212:7-212:17	
214:4-215:11	

216:8-217:11	216:11-13 - Objection FRE 401, 402, 801, 802. 216:18-25 - Objection. Irrelevant, no foundation (FRE 401, 402). F
220:8-221:13	
230:17-234:18	
236:18-238:19	238:8-19 - Objection Foundation. Relevance. FRE 401, 402
242:25-243:17	
244:9-244:18	
247:13-247:19	
253:5-256:7	254:5-25: Objection. Lacks foundation, overbroad. FRE 401, 402. 254:14-25 - Objection FRE 801, 802. 255:1-4 - Objection. May call for speculation, lacks foundation FRE 401, 402. 255:4-25 - Objection Lacks foundation, asked and answered, may call for speculation. Objection 401, 402.
268:7-268:16	Objection
270:4-271:14	270:4-8 - Objection FRE 801, 802. 270:9-271:14 - Objection - May call for speculation; FRE 401, 402.
295:21-296:9	295:21-24 - Objection FRE 801, 802
299:22-300:8	
301:23-302:12	302:6-303:3 - Objection FRE 401, 402; FRE 801, 802
322:20-325:9	322:20-323:17 - Objection FRE 801, 802. 324:13-17 - Objection. Mischaracterizes the document, assumes facts. 324:20-325:9 - Objection, FRE 801, 802
338:12-339:22	338:12-14 - Objection FRE 801, 802
341:25-342:9	Objection FRE 401, 402; 801, 802
353:3-353:12	
359:3-359:18	
372:21-373:6	
374:16-375:23	Objection FRE 801, 802
376:23-378:16	376:23-378:16 - Objection FRE 801, 802. 377:19-22 - Objection May call for speculation, lacks foundation, vague
380:19-381:11	Objection FRE 801, 802
385:19-387:5	385:19-21 - Objection FRE 801, 802
392:13-393:12	392:13-393:12 - Objection FRE 801, 802. 393:15-21 - Objection Vague.
393:12-394:21	
398:3-399:10	398:3-5 - Objection FRE 801, 802
399:16-401:8	
407:6-408:17	
422:15-424:15	
446:15-447:5	

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229: 18-21	
230:9-13	
234:19-235:2	
244:19-245:9	
245:13-246:10	
246:17-247-12	
247:20-248:17	
248:22-249:11	
249:19-253:4	
267:17-268:5	
268:17-23	
302:13-304:14	
325:10-326:5	
341:7-24	
342:10-343:4	
357:6-359:2	
367:25-371:15	
378:17-380:18	
381:12-382:4	
424:16-426:8	
436:18-438:4	
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266:9-266:16	
268:14-269:17	
271:23-273:24	271:23-274:1 - Not relevant/no foundation, FRE 401-402
274:2-274:6	
274:14-274:17	Not relevant/no foundation, FRE 401-402
277:15-278:11	277:15-278:13 - Lacks foundation, may call for speculation; Not relevant/no foundation, FRE 401-402
278:14-278:21	Not relevant/no foundation, FRE 401-402
282:6-282:11	282:6-14 Vague and ambiguous ; lacks foundation; calls for speculation; incomplete hypothetical.

282:15-282:21	
307:3-307:7	306:4-6 - Hearsay, FRE 801-802. 307:3-14 - Overbroad and vague. 307-21, 307:27-309:2 - Hearsay, FRE 801-802.
307:9-307:13	
307:17-307:21	
307:25-309:2	
313:13-313:15	Objection: Lacks foundation; may call for speculation; assumes facts, No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
313:17-313:20	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
314:16-315:6	Hearsay, FRE 801,802
316:15-316:19	Hearsay, FRE 801,802
319:25-320:2	319:25-320:4 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
320:4-320:4	
323:10-324:5	323:12 - Hearsay, FRE 801,802
324:11-324:25	324:11-12 - Hearsay, FRE 801,802
325:7-326:8	325:12, 326:5 - Hearsay, FRE 801,802
326:14-326:14	326:18-20 - Hearsay, FRE 801,802
326:19-327:20	
328:22-329:17	No foundation, no personal knowledge, FRE 401-402; FRE 602
334:7-334:20	
335:8-335:18	335:8-336:16 - No foundation, no personal knowledge, FRE 401-402; FRE 602
335:21-336:9	
336:12-336:16	
339:10-339:14	No foundation, no personal knowledge, FRE 401-402; FRE 602
340:4-340:13	340:3-4 - Hearsay, FRE 801,802
341:5-341:13	341:5-14
341:15-341:20	
342:15-342:25	
344:16-345:3	
345:9-346:2	345:9-346:14 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
346:5-346:14	
349:5-349:15	349:5-350:10 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
349:18-350:2	

350:6-350:10	
351:7-351:10	351:7-23 - Not relevant/no foundation, FRE 401-402
351:12-351:23	
352:19-354:7	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
354:14-354:22	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
355:2-356:18	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
357:70357:7	
357:9-359:14	357:7-359:14 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
359:20-360:8	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
361:24-362:25	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
363:9-366:24	363:12 - Not relevant/no foundation, FRE 401-402, FRE 801,802 ; 363:9-11, 363:13-366:24 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
367:1-367:2	Objection
367:9-368:17	367:9-370:5 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
368:20-370:5	
371:16-373:20	371:14 - Not relevant/no foundation, FRE 401-402, Hearsay 801, 802. 371:16-373:25 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
373:22-373:22	
373:24-373:25	375:16-378:12 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
375:16-378:12	380:1-20 - No foundation, no personal knowledge, FRE 401-402; FRE 602
380:1-380:8	
380:11-380:16	
380:18-380:20	
381:9-381:13	381:9-24 - No foundation, no personal knowledge, FRE 401-402; FRE 602
381:16-381:21	
381:24-381:24	
382:18-386:13	383:1-394:4 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
386:19-386:21	
386:25-394:4	394:25-401:13 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
394:25-400:23	

401:1-401:13	401:25-404:16; 405:2-407:13 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
401:25-404:16	
405:2-407:13	407:22-23 - Hearsay, FRE 801,802; 407:24-410:23 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
407:22-408:23	
409:1-409:8	
409:10-409:10	
409:12-409:16	
409:19-410:23	
412:19-413:05	
413:13-413:22	
414:5-414:14	
414:19-414:21	
414:24-414:25	
415:4-415:7	415:4-23 - No foundation, no personal knowledge, FRE 401-402; FRE 602;
415:11-415:18	
415:22-417:7	415:25-419:4 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
417:20-418:19	
418:22-419:4	
419:23-421:3	419:23- Hearsay, FRE 801, 802; 419:24-421:18 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
421:6-421:14	
421:16-421:18	
422:6-422:16	No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
422:25-423:17	423:1-17 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
424:5-424:22	424:5-426:17 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
424:25-426:13	
426:16-426:17	
429:6-430:10	429:6-431:8 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
430:13-430:22	
430:25-431:8	

431:21-433:10	431:21-435:22 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
433:13-433:13	
433:17-435:22	
436:19-436:22	436:19-437:10 - No foundation, no personal knowledge, FRE 401-402; FRE 602, Hearsay, FRE 801,802
436:25-437:4	
437:7-437:10	
438:10-438:16	438:10-439:3 No foundation, no personal knowledge, FRE 401-402; FRE 602, 701, 702
438:20-439:3	
Counter Designations	
273:25-274:1	
274:18-20	
278:12:13	
282:12-14	
282:23-284:1	
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309:3-312:20	
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315:7-316:14	
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336:10-11	
337:13-339:9	
339:15-17	
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349:16-17	
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368:18-19	
373:21	
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380:9-10	
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381:14-15	
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421:4-5	
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426:14-15	
430:11-12	
430:23-24	
433:11-12	
433:14-16	
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437:5-6	
438:17-19	

Exhibit E

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 001		12/10/2012	FDA Clearance Letter for Clearblue Advanced Pregnancy Test with Weeks Estimator (k112870)
PTX 002			Clearblue Advanced Pregnancy Test with Weeks Estimator Instructions for Use
PTX 003			Images of Original Clearblue Advanced Digital Pregnancy with Test Weeks Estimator Box
PTX 004			Images of Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Box
PTX 005		8/26/2013	Storyboard for Original Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial
PTX 006			Video for Original Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial
PTX 007			Storyboard for Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial
PTX 008			Video for Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial
PTX 009			Youtube Video for Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial with Indications for Use
PTX 010			Tamera Mowry-Housley appearance on The Doctors
PTX 011		11/4/2013	Clearblue Facebook Post with Video - https://www.facebook.com/video.php?v=10101416719165400&set=vb.252928744767136&type=2&theater
PTX 012		8/28/2013	Clearblue Facebook Post with Link to Time Heathland Article - https://www.facebook.com/Clearblue/photos/a.253125118080832.60265.252928744767136/560519657341375/?type=1&theater
PTX 013		9/23/2013	Clearblue Facebook Post with Original Box Image - https://www.facebook.com/Clearblue/photos/a.253125118080832.60265.252928744767136/572293492830658/?type=1&theater
PTX 014		9/23/2013	Clearblue Facebook Post with Test Image - https://www.facebook.com/Clearblue/photos/a.253125118080832.60265.252928744767136/572292596164081/?type=1&permalinkPage=1
PTX 015		12/29/2013; 11/15/2013; 11/7/2013	Clearblue Twitter Posts - https://twitter.com/Clearblue/status/417467575866765312 ; https://twitter.com/Clearblue/status/401394178745442304 ; https://twitter.com/Clearblue/status/398623409883844608/photo/1
PTX 016		12/6/2013	"How Many Pregnancy Tests Did You Burn Through?" post from No Sleep Til College blog - http://www.nosleeptilcollege.com/pregnancy/clearblue-pregnancy-weeks-estimator-reviews/
PTX 017		11/11/2013	Clearblue Pregnancy Test with Weeks Estimaor Website (http://www.clearblueeasy.com/advanced-pregnancy-test-with-weeks-estimator.php)
PTX 018			Image of Clearblue Shelf Trays from Complaint

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 019			Image of Walgreens Ad for Clearblue Advanced with Weeks Estimator
PTX 020			Image of Walmart Ad for Clearblue Advanced Digital Pregnancy Test with Weeks Estimator
PTX 021		9/24/2013	Screenshot of Walmart Website page for Clearblue Advanced Digital Pregnancy Test, 3 Count - http://www.walmart.com/ip/Clearblue-Advanced-Digital-Pregnancy-Test-3-count/25508417
PTX 022			Clearblue Web Banner
PTX 023			Clearblue Web Banner for CVS Pharmacy
PTX 024			Clearblue Web Banner
PTX 025	CHD00006469 - CHD00006529	7/1/2010	AcuPOLL Research Final Report for Church & Dwight Project Meyer Lake
PTX 026	CHD00006552 - CHD00006680	7/1/2011	AcuPOLL Research Final Report for Church & Dwight Project McCallister Lake
PTX 027	CHD00006200 - CHD00006260	4/1/2014	Ipsos ASI Clearblue Ad Test Presentation
PTX 028			Total U.S. AOC Nielsen Spreadsheet
PTX 029			Historical Share Chart for Clearblue and First Response from 2001 to 2011
PTX 030			Total U.S. AOC Unit%Change vs. Yago Spreadsheet 05/19/2012 - 05/17/2014
PTX 031			Walmart Total US Spreadsheet 1/21/2012 - 9/20/2014
PTX 032			Target Total US Spreadsheet 1/21/2012 - 9/20/2014
PTX 033		4/11/2013	Settlement Agreement between Church & Dwight and Alere and SPD Swiss Precision Diagnostics
PTX 034		8/23/2013	Letter from Brophy to Alere & SPD Swiss Precision Diagnostics re Settlement Agreement and newly launched Clearblue advertising claims
PTX 035		9/19/2013	Letter from SPD to Church & Dwight providing response to August 23, 2013 letter
PTX 036		9/25/2013	Letter from Brophy to Rogers providing response to September 19, 2013 letter
PTX 037		10/1/2013	Letter from Rogers to Brophy providing response to September 25, 2013 letter
PTX 038		10/4/2013	Letter from Mervis to JAMS enclosing Church & Dwight's Demand for Arbitration Before JAMS
PTX 039		11/19/2013	Email from Greer to Mervis attaching Clearblue Carton image submitted to FDA on November 29, 2012
PTX 040		11/22/2013	Letter from Mervis to Judge Lifland (JAMS arbitrator) enclosing Church & Dwight's Opening Brief and Exhibits in Support of Motion for Summary Disposition
PTX 041		11/22/2013	SPD Swiss Precision Diagnostics, Alere and Alere Switzerland's Confidential Opening Brief in Support of Summary Disposition
PTX 042		12/3/2013	Letter from Mervis to Judge Lifland (JAMS arbitrator) enclosing Church & Dwight's Reply Brief and Exhibits in Support of Motion for Summary Disposition

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 043		12/3/2013	SPD Swiss Precision Diagnostics, Alere and Alere Switzerland's Confidential Responsive Brief in Support of Summary Disposition
PTX 044		12/6/2013	Letter from Knowles to Judge Lifland (JAMS arbitrator) re issues raised in C&D's Responsive Brief
PTX 045		12/9/2013	Letter from Mervis to Judge Lifland (JAMS arbitrator) responding to 12/6/2013 SPD Letter
PTX 046		1/29/2014	JAMS Award granting permission to C&D to file litigation
PTX 047		1/1/2015	Curriculum Vitae of Pasquale Patrizio
PTX 048			"High Rates of Embryo Wastage with Use of Assisted Reproductive Technology: A Look at the Trends Between 1995 and 2001 in the United States" by Kovalesky, <u>Fertility and Sterility</u>
PTX 049			"The Role of the Endometrium and Embryo in Human Implantation" by Diedrich, <u>Human Reproduction Update</u>
PTX 050			"Method for Estimating Due Date," ACOG Committee Opinion, No. 611, October 2014
PTX 051		8/28/2013	"Human Chorionic Gonadotropin as a Measure of Pregnancy Duration" by Larsen, <u>International Journal of Gynecology and Obstetrics</u>
PTX 052	SPD-NY 0066955 - SPD-NY 0066956	1/24/2013	Email from Pike to Consorte, CCing Corredoira, Subject: CB9 Imedia Design
PTX 053	SPD-NY 0082480 - SPD-NY 0082496	5/4/2011	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report
PTX 054	SPD-NY 0082497 - SPD-NY 0082516	10/17/2013	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report
PTX 055	SPD-NY 0001376 - SPD-NY 0001450	9/27/2011	Clinical Study Report: Evaluation of Clearblue Advanced Pregnancy Test "Weeks Estimator" Result Compared to Reference Measures of Gestational Age
PTX 056		9/1/1965	"Terms Used in Reference to the Fetus," <u>ACOG Terminology Bulletin</u> , September 1965
PTX 057		7/1/1998	ACOG Statement of Contraceptive Methods
PTX 058		6/12/2014	ACOG "Facts are Important, Emergency Contraception (EC) and Intrauterine Devices (IUDs) are Not Abortifacients"
PTX 059	SPD-NY 0010610 - SPD-NY 0010617	2/21/2013	Email from List to Suarez, Sullivan, Minniear, and Iasilli, CCing Hoytt, Scull, Dewald, and Killinger, Subject: Clearblue FY 13/14 Planning Meeting Recap, with attachment
PTX 060		3/1/2014	"Knowledge, Attitudes, and Practices Regarding Conception and Fertility: A Population-Based Survey Among Reproductive-Age United States Women" by Lundsberg, <u>Fertility and Sterility</u>
PTX 061	SPD-NY 0080005 - SPD-NY 0080189	8/1/2012	Ipsos Marketing Presentation, "Clearblue Ovulation & Fertility U&A 2012"
PTX 062	SPD-NY 0007475 - SPD-NY 0007479	3/1/2013	Email from Suarez to Consorte and Pike, CCing Gittins and Daly, Subject: How to Use Videos - Scripts for Your Input
PTX 063	SPD-NY 0056334 - SPD-NY 0056335	9/12/2012	Memo from Johnson-Lyles to Record of k112870/S001, Re: Internal Meeting - SE with Limitations

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 064		12/4/2014	Mark Gittins Deposition Excerpts, pages 258, 278-285, 306, 329-331, 353-354, 356, 362, 365, 399-401 and 424
PTX 065	SPD-NY 0082708 - SPD-NY 0082717	8/17/2009	SPD Customer Complaint Log
PTX 066	SPD-NY 0082673 - SPD-NY 0084124	9/29/2010	SPD Customer Complaint Log
PTX 067	SPD-NY 0049447 - SPD-NY 0049449	1/2/2014	Email from Gittins to Cowell and Kasidas-Neale, CCing Roberts, Subject: CB9 Product Complaints relating to Weeks Estimator feature, with attachment
PTX 068		10/1/1990	"Emergency Department Diagnosis of Ectopic Pregnancy" by Stovall, <u>Annals of Emergency Medicine</u>
PTX 069	SPD-NY 0082541 - SPD-NY 0082577	1/26/2012	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report
PTX 070	SPD-NY 0011795 - SPD-NY 0011797	10/7/2013	Email from Linton to Suarez and Minnear, CCing Vuturo, Subject: WE Comment on the Facebook Wall
PTX 071	SPD-NY 0081036 - SPD-NY 0081037	9/3/2014	Email from Linton to McNeil, Subject: Clearblue Adverse Comments Report.xlsx, with attachment
PTX 072	SPD-NY 0007794 - SPD-NY 0007796	4/18/2013	Email from Ronas to Cutajar, CCing Daly, Subject: NACDS
PTX 073	SPD-NY 0082517 - SPD-NY 0082540	12/11/2012	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report
PTX 074		1/22/2015	Kurt Barnhart Deposition Excerpts, pages 1, 17, 227-231
PTX 075		11/1/2014	Curriculum Vitae of Bruce Isaacson
PTX 076			Storyboard & Script for Test Commercial from Issacson Survey, Exhibit 2 to Isaacson Expert Report,
PTX 077			Storyboard & Script for Control Commercial from Issacson Survey, Exhibit 2 to Isaacson Expert Report,
PTX 078		1/1/2014	Interviewer Instructions from Issacson Survey, Exhibit 5 to Isaacson Expert Report
PTX 079		1/1/2014	Testing Product Survey Screener from Issacson Survey, Exhibit 3 to Isaacson Expert Report
PTX 080		1/1/2014	Notes on Demographic Quotas from Issacson Survey, Exhibit 4 to Isaacson Expert Report
PTX 081		1/1/2014	Testing Product Validation Questionnaire from Issacson Survey, Exhibit 6 to Isaacson Expert Report
PTX 082			All Responses from All Respondents from Issacson Survey, Exhibit 7 to Isaacson Expert Report
PTX 083			Cross Tabulation Tables from Issacson Survey, Exhibit 8 to Isaacson Expert Report
PTX 084			Testing Product Study Verbatim Code Sheet from Issacson Survey, Exhibit 9 to Isaacson Expert Report

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 085			Chart containing sample verbatim comments from respondents to Isaacson Survey
PTX 086			Curriculum Viate of Hal Poret
PTX 087			Images of Box Panels for Control and Test versions of Old Clearblue Weeks Estimator Packages used in Poret Survey
PTX 088			Images of Box Panels for Control and Test versions of New Clearblue Weeks Estimator Packages used in Poret Survey
PTX 089			Control Cell Verbatim Responses for Old Package Control Group 1 from Poret Survey, Appendix H to Poret Expert Report
PTX 090			Control Cell Verbatim Responses for New Package Control Group 1 from Poret Survey, Appendix H to Poret Expert Report
PTX 091		8/1/2014	Pregnancy Test Kit Survey Screener from Poret Survey, Appendix B to Poret Expert Report
PTX 092			Hand Card shown to Respondents from Poret Survey
PTX 093			Field Instructions from Poret Survey, Appendix C to Poret Expert Report
PTX 094			Validation Questionnaire from Poret Survey, Appendix D to Poret Expert Report
PTX 095			Test Cell Verbatim Responses for Old Package Control Group 1 from Poret Survey
PTX 096			Spreadsheet containing Full Data Set of All Respondent's Answers to All Questions from Poret Survey, Appendix G to Poret Expert Report
PTX 097			Test Cell Verbatim Responses for New Package Control Group 1 from Poret Survey
PTX 098			List of Documents Review by Dr. Tulin Erdem
PTX 099			Curriculum Viate of Tulin Erdem
PTX 100	SPD-NY 0021552 - SPD-NY 0021588	2/26/2013	Email from Cutajar to Corp and Overton, CCing Daly, Cutajar, and Mccracken, Subject: March 2013 GBP - Clearblue Advanced Pregnancy Test with Weeks Estimator (SILVER), with attachments
PTX 101	SPD-NY 0030078 - SPD-NY 0030083	3/19/2013	Email from Lee to Suarez, CCing Iasilli, Subject: Slide Needs for Riccardo Mtg, with attachments
PTX 102	SPD-NY 0018163 - SPD-NY 0018166	11/19/2013	Email from Minnear to Minniear, Guitart, Daly, Consorte, Foster, Pike, Iasilli, Cutajar, Page, Meinhardt, Killinger, Sullivan, Harrigan, Nenon, Linton, Suarez, Hoytt, Koutoulakis, Adams, Lockwood, Tomasi, Jarrett, Potorski, Mccracken, Wopfner, Colacchia, Stevenson, Pion, Scaife, Trampe, Anwar, Vuturo, Millicent, Hardie and Hiragapinol, Subject: SPD Monthly Letter - October, with attachment
PTX 103	SPD-NY 0024224 - SPD-NY 0024268	4/9/2013	Walgreens Clearblue Innovation Center Presentation
PTX 104		9/11/2014	Ryan Daly Deposition Excerpts, pages 1, 271-273, 344-346
PTX 105	SPD-NY 0014611 - SPD-NY 0014612	12/19/2013	Email from Guitart to Giulia, Scaife, Tong and Pike, Subject: FW, with attachment (Clearblue_Mid-Year Infographic_FINAL.pdf)

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PTX 106	SPD-NY 0021473 - SPD-NY 0021493		Consumer/Shopper Behaviour Presentation
PTX 107	SPD-NY 0025088 - SPD-NY 0025091	10/11/2013	Email from Minnear to Minniear, Guitart, Daly, Consorte, Foster, Pike, Iasilli, Cutajar, Page, Meinhardt, Killinger, Sullivan, Harrigan, Nenon, Linton, Suarez, Hoytt, Koutoulakis, Adams, Lockwood, Tomasi, Jarrett, Potorski, Mccracken, Wopfner, Colacchia, Stevenson, Pion, Scaife, Trampe, Anwar, Vuturo, Millicent, Hardie and Hiragapinol, Subject: SPD Monthly Letter - September, with attachment
PTX 108	SPD-NY 0078256 - SPD-NY 0078258	12/23/2013	Email from Wopfner to Minnear, Subject: SPD Monthly Letter - November, with attachment
PTX 109	SPD-NY 0018155 - SPD-NY 0018157	1/16/2014	Email from Minnear to Minniear, Guitart, Daly, Consorte, Foster, Pike, Iasilli, Cutajar, Page, Meinhardt, Killinger, Sullivan, Harrigan, Nenon, Linton, Suarez, Hoytt, Koutoulakis, Adams, Lockwood, Tomasi, Jarrett, Potorski, Mccracken, Wopfner, Colacchia, Stevenson, Pion, Scaife, Trampe, Anwar, Vuturo, Millicent, Hardie and Hiragapinol, Subject: SPD Monthly Letter - December, with attachment
PTX 110	SPD-NY 0075928 - SPD-NY 0075975	3/20/2013	Email from Pion to Consorte, Pike, Moore, Suarez, Daly, Rizk, Bussolari, Yacoubian, Tidy and King, Subject: Follow-up on TV copy test - CB8 US, with attachment
PTX 111	SPD-NY 0007480 - SPD-NY 0007509	3/8/2013	Email from Pion to Suarez, Daly, Guitart, Moora, Pike, Rizk, Bussolari, Lagarde, Bildirgen, Meneguzzo, Yacoubian and Moss, CCing Consorte, Subject: CB9 TV copy qualified for US!!!, with attachment
PTX 112	SPD-NY 0038887 - SPD-NY 0039157	6/2/2013	Email from Pike to Scaife, Subject: Kano work on Pregnancy, with attachments
PTX 113	SPD-NY 0065938 - SPD-NY 0065947	12/8/2009	Memo from McCorkle to Clearblue Distribution, Subject: Clearblue Package and FMOT Claims Study Summary CMK# US09B991
PTX 114	SPD-NY 0023054 - SPD-NY 0023082		Clearblue Family Planning and Innovations Plans Presentation for Walmart
PTX 115	SPD-NY 0078514 - SPD-NY 0078530	6/18/2013	Clearblue Weeks Estimator Opportunity Presentation for Cardinal Health
PTX 116	SPD-NY 0084249 - SPD-NY 0084268	1/16/2013	Clearblue Presentation for Rite Aid Pharmacy
PTX 117	SPD-NY 0028219 - SPD-NY 0028266	4/2/2012	Clearblue 2013 Business Planning Presentation for CVS/Caremark
PTX 118	SPD-NY 0084269 - SPD-NY 0084319		Clearblue Onboarding and Innovation Plans Presentation for Target
PTX 119		4/27/2014	Pregnancy Test's Reported Inaccuracies Causing Distress in Expecting Mothers Story from CBS Los Angeles - http://losangeles.cbslocal.com/2014/04/27/pregnancy-tests-reported-inaccuracies-causing-distress-in-expecting-mothers/

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PTX 120		4/27/2014	Video of CBS Los Angeles Story found on http://losangeles.cbslocal.com/2014/04/27/pregnancy-tests-reported-inaccuracies-causing-distress-in-expecting-mothers/
PTX 121	SPD-NY 0007180 - SPD-NY 0007182	9/3/2013	Clearblue Introduces the First and Only Home Pregnancy Test That Detects Pregnancy and Estimates Weeks Press Release
PTX 122	SPD-NY 0023349 - SPD-NY 0023356	4/11/2013	Email from Sullivan to Daly, Subject: ACOG Release - 2 Versions, with attachments
PTX 123		9/5/2014	Mark Gittins Deposition Excerpts, pages 1, 67-68, 72-73, 76
PTX 124		8/1/2009	"Why Is 40 Weeks So Important" webpage - https://www.health.ny.gov/community/pregnancy/why_is_40_weeks_so_important.htm
PTX 125			"Pregnancy Week by Week" Planned Parenthood webpage - http://www.plannedparenthood.org/health-info/pregnancy/stages-pregnancy
PTX 126			"Abortion Services in New York, NY" Planned Parenthood webpage - http://www.plannedparenthood.org/health-center/new-york/new-york/10012/margaret-sanger-center-3325-91110/abortion
PTX 127		11/1/2008	"Pregnancy Week 40" American Pregnancy Association webpage - http://americanpregnancy.org/week-by-week/40-weeks-pregnant/
PTX 128			Screenshot of 40 Weeks The Movie webpage - https://www.40weeksthemovie.com
PTX 129		12/31/2012	"Kim Kardashian Pregnant!! Kanye Announces On Stage" TMZ webpage - http://www.t TMZ.com/2012/12/30/kim-kardashian-pregnant-kanye-west-baby-announcement
PTX 130		11/6/2014	"ART Success Rates" CDC webpage - http://www.cdc.gov/art/reports/index.html
PTX 131			Penn Medicine Reproductive Health Information Glossary of Terms - http://www.pennmedicine.org/fertility/patient/resources/reproductive-health-information/glossary-of-terms.html
PTX 132			Merriam-Webster Definition of Established - http://www.merriam-webster.com/dictionary/established
PTX 133		1/22/2015	Kurt Barnhart Deposition Excerpts, pages 1, 57-58, 201-202, 264, 271-273, 296-297
PTX 134		9/19/2014	Sarah Johnson Deposition Excerpts, pages 1, 168, 200, 342-343, 385-386
PTX 135	SPD-NY 0049021 - SPD-NY 0049023	11/14/2013	Email from Gittins to Roberts, Subject: See Attached, with attachment (Position Statements for FDA Telecon.docx)
PTX 136		11/22/2013	Email from Gittins to Duan, Subject FDA Meeting with SPD - Minutes and Mitigation Proposals, with attachments
PTX 137		12/15/2014	Expert Report of Sarah Butler
PTX 138		2/1/2006	"Suspected Ectopic Pregnancy" by Seeber, <u>Obstetrics & Gynecology</u>
PTX 139		10/1/2012	"How and When Human Chorionic Gonadotropin Curves in Women with Ectopic Pregnancy Mimic Other Outcomes: Differences by Race and Ethnicity" by Dillon, <u>Fertility and Sterility</u>

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PTX 140		9/18/2013	"Maternal Depression, Anxiety and Stress During Pregnancy and Child Outcome; What Needs to be Done" by Glover, <u>Best Practices & Research Clinical Obstetrics and Gynaecology</u>
PTX 141		3/31/2010	"Why Worries About Baby Are Bad for Baby" by Shellenberger, <u>Wall Street Journal</u> - http://www.wsj.com/articles/SB10001424052702303601504575153891118025102
PTX 142		Winter 2010	"Survey Evidence in False Advertising Cases" by Butler, <u>Antitrust Trial Practice Newsletter</u>
PTX 143		1/16/2015	Sarah Butler Deposition Excerpts, pages 1, 31-32, 70-71, 134-135, 154-155, 178-179, 198-201
PTX 144		1/8/2015	Hal Poret Deposition Excerpts, pages 1, 77, 154-155
PTX 145		1/15/2015	Bruce Isaacson Deposition Excerpts, pages 1, 44-46, 78-84
PTX 146		8/16/2014	Total Pregnancy Test Kit Dollar Sales Chart, 3/30/13 - 8/16/14
PTX 147			Cox Regression Specification 2 (Exclusion of Target Sales Data) Chart
PTX 148			Cox Regression Specification 2 (Inclusion of Walmart and Target Sales Data) Chart
PTX 149		9/12/2012	Email from Johnson-Lyles to Roberts, Subject: K112870/S001 Clearblue hold notification, with attachment, Vinti MIL Opposition Declaration Exhibit 1
PTX 150	SPD-NY 0054201 - SPD-NY 0054207	9/17/2012	Email from Roberts to Wilson, Perry, Johnson, Godbert and Parsons, CCing Gittins, Subject: CB9 - FDA Labelling Changes, with attachment, Vinti MIL Opposition Declaration Exhibit 2
PTX 151		3/3/2014	Public Redacted Version of Declaration of Mark Gittins in Support of SPD Swiss Precision Diagnostic's GmbH's Opposition to Motion for Preliminary Injunction, Vinti MIL Opposition Declaration Exhibit 3
PTX 152		11/27/2012	Email from Johnson-Lyles to Johnson, CCing Godbert and Roberts, Subject: Preview of response to section 3b received Nov. 8 (Re:k112870/S001), Vinti MIL Opposition Declaration Exhibit 4
PTX 153			SPD Response to FDA Hold Letter dated September 12th 2012, k112870/S001, Vinti MIL Opposition Declaration Exhibit 5
PTX 154		9/5/2014	Mark Gittins Deposition Excerpts, pages 1, 91-98, 176-177, 187-192, 198, Vinti MIL Opposition Declaration Exhibit 6
PTX 155		11/28/2012	Clearblue Weeks Estimator package design submitted to FDA for clearance, Vinti MIL Opposition Declaration Exhibit 7
PTX 156			Original Clearblue Weeks Estimator marketed to US consumers beginning in August 2013, Vinti MIL Opposition Declaration Exhibit 8
PTX 157		11/12/2013	Email from Duan to Gittins, Subject: Meeting Request from FDA, Vinti MIL Opposition Declaration Exhibit 9
PTX 158		11/27/2013	Email from Duan to Gittins, Subject: FDA Feedback to SPD's mitigation proposal, with attachment, Vinti MIL Opposition Declaration Exhibit 11
PTX 159		2/3/2015	Direct Testimony of Stacey Feldman, Vinti MIL Opposition Declaration Exhibit 13

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Trial Exhibit #	Bates Range	Doc Date	Description
PTX 160		8/26/2013	Storyboard for Clearblue Pregnancy Test with Weeks Estimator Commercial, Vinti MIL Opposition Declaration Exhibit 14
PTX 161		8/26/2013	Video of Clearblue Pregnancy Test with Weeks Estimator Commercial, Vinti MIL Opposition Declaration Exhibit 15
PTX 162		12/23/2013	Memo from Gittins to Duan re: FDA Feedback on SPD's proposal of a revised IFU for use in the case of promotional materials where space is constrained, Vinti MIL Opposition Declaration Exhibit 16
PTX 163			Video of Clearblue Weeks Estimator commercial from Youtube, Vinti MIL Opposition Declaration Exhibit 17
PTX 164	SPD-NY 0003193	4/3/2008	Letter from Roberts to FDA re 510(k) Notification: Clearblue Digital Pregnancy Test with Conception Indicator, Vinti MIL Opposition Declaration Exhibit 18
PTX 165	SPD-NY 0052240 - SPD-NY 0052371	8/13/2012	Email from Roberts to Johnson-Lyles, Subject: k112870 - Response to Hold Letter, with attachment, Vinti MIL Opposition Declaration Exhibit 19
PTX 166	SPD-NY 0002676 - SPD-NY 0002685	10/2/2012	Email from Roberts to Johnson-Lyles, Subject: K112870/S001 Clearblue hold notification, with attachment, Opposition Declaration Exhibit 20
PTX 167		2/3/2015	Direct Testimony of Pasquale Patrizio, Vinti MIL Opposition Declaration Exhibit 21
PTX 168			Title 21 - Food and Drugs, Section 343-1, Vinti MIL Opposition Declaration Exhibit 22
PTX 169			Title 21 - Food and Drugs, Section 360k, Vinti MIL Opposition Declaration Exhibit 23
PTX 170		9/19/2014	Sarah Johnson Deposition Excerpts, pages 1, 34, Vinti MIL Opposition Declaration Exhibit 24
PTX 171		2/3/2015	Direct Testimony of Hal Poret, Vinti MIL Opposition Declaration Exhibit 25
PTX 172		2/3/2015	Direct Testimony of Dr. Tulin Erdem, Vinti MIL Opposition Declaration Exhibit 26
PTX 173	SPD-NY 0022573 - SPD-NY 0022575	11/28/2012	Email from Lindner to Guitart, Wilson, Daly and Consorte, Ccing Gittins, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001), Vinti MIL Opposition Declaration Exhibit 27
PTX 174			Clearblue package submitted to FDA in August 2012 containing conversion chart, Vinti MIL Opposition Declaration Exhibit 30
PTX 175		12/10/2012	Letter from Gutierrez to Gittins providing clearance for k112870, Clearblue Advanced Pregnancy Test with Weeks Estimator, Vinti MIL Opposition Declaration Exhibit 31
PTX 176	SPD-NY 0004296 - SPD-NY 0004302	5/1/2013	Email from Meinhardt to Daly, Subject: INPUT REQUESTED...TARGET Clearblue Shelf Tray, with attachments
PTX 177	SPD-NY 0004350 - SPD-NY 0004355	5/13/2013	Email from Suarez to Gou, Pehrson, Yang, Coker, CCing Daly, Meinhardt, Cutajar, Subject: Clearblue Shelf Tray
PTX 178	SPD-NY 0040866 - SPD-NY 0040881	2/8/2013	Email from Aymard to Moore, CCing Kujanpaa, Luque and Pion, Subject: TV 2.0 copy test kick off meeting - elements needed, with attachment
PTX 179	SPD-NY 0007156 - SPD-NY 0007174	11/18/2013	Email from Suarez to Daly, CCing Scull and Dewald, Subject: Clearble Blogger Connect - Call Recap & Next Steps, with attachments

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Trial Exhibit #	Bates Range	Doc Date	Description
PTX 180	SPD-NY 0011914 - SPD-NY 0011921	10/21/2013	Email from Zinker to Dewald, CCing Suarez, Biarth, Cubberley, Taylor and Madison, Subject Clearblue Blogger Connect - Call Recap and Next Steps, with attachments
PTX 181	SPD-NY 0012340 - SPD-NY 0012341	12/10/2013	Email from Linton to Suarez, Subject: "Weeks" Used on Twitter
PTX 182	SPD-NY 0030913 - SPD-NY 0030918	9/5/2013	Email from Chemalis to Minniear, Vuturo and Suarez, CCing CLEARBLUE_MSL_USA list, Subject: Clearblue Weeks Estimator Press Release & Organic Coverage Update 9/5, with attachment
PTX 183	SPD-NY 0000310 - SPD-NY 0000503	9/22/2011	510(k) Notification, Clearblue Advanced Pregnancy Test with Weeks Indicator submission
PTX 184	SPD-NY 0002239 - SPD-NY 0002266		Clinical Study Report for Consumer Spiked Standards Study Report 1282
PTX 185	SPD-NY 0002211 - SPD-NY 0002238		PROJECT Renaissance Consumer Spiked Standards Study, Protocol-0395
PTX 186	SPD-NY 0002061 - SPD-NY 0002175	8/13/2012	Letter from Roberts to FDA responding Nov. 23, 2011 questions re k112870
PTX 187	SPD-NY 0003733 - SPD-NY 0003760	4/29/2009	Email from Roberts to Kelm, Subject: I080478 S002, with attachments
PTX 188	SPD-NY 0049452 - SPD-NY 0049454	1/29/2014	Email from Gittins to Humberstone, Subject to Draft 2 of Face to Face letter, with attachment
PTX 189	SPD-NY 0012607 - SPD-NY 0012608	3/21/2014	Email from Tan to Cowell and Caves, Subject: CB9 data, with attachment
PTX 190	SPD-NY 0056332 - SPD-NY 0056335	1/27/2014	Email from Humberstone to Johnson, Subject: Improve Weeks estimator clearing - What is the strategy?, with attachment
PTX 191	SPD-NY 0002651 - SPD-NY 0002661	9/12/2012	Email from Johnson-Lyles to Roberts, CCing Johnson and Godbert, Subject: K112870/S001 Clearblue hold notification, with attachment
PTX 192		3/3/2014	Declaration of Mark Gittins in Support of SPD Swiss Precision Diagnostics GmbH's Opposition to Motion for Preliminary Injunction (Redesignated)
PTX 193	SPD-NY 0068561 - SPD-NY 0068572	10/23/2012	Email from Guitart to Gittins, CCing Wilson, Subject: K112870/S001 Clearblue hold item 4
PTX 194	SPD-NY 0002816 - SPD-NY 0002819	11/27/2012	Email from Godbert to Johnson-Lyles and Johnson, CCing Roberts, Subject: Preview of responses to section 3b received Nov 8 (Re:k112870/S001)
PTX 195	SPD-NY 0002820 - SPD-NY 0002967	11/28/2012	Letter from Gittins to FDA providing SPD's responses to FDA questions dated September 12, 2012 concerning k112870/S001
PTX 196	SPD-NY 0029653 - SPD-NY 0029673	11/27/2012	Email from Pike to Suarez and Meinhardt, CCing Gittins, Corredoira and Consorte, Subject: Urgent for Wednesday morning, with attachments

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Trial Exhibit #	Bates Range	Doc Date	Description
PTX 197	SPD-NY 0007451 - SPD-NY 0007453	11/16/2012	Email from Guitart to Wilson, Daly and Consorte, CCing Gittins and Lindner, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)
PTX 198	SPD-NY 0022569 - SPD-NY 0022572	11/28/2012	Email from Guitart to Lindner, Wilson, Daly and Consorte, CCing Gittins, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)
PTX 199	SPD-NY 0049595 - SPD-NY 0049600	12/11/2012	Email from Gittins to Wilson, Perry, Godbert, Johnson and Roberts, CCing Guitart, Subject: FDA Clearance Letter Attached, with attachment
PTX 200	SPD-NY 0034764 - SPD-NY 0034767	2/5/2013	Email from Gittins to Roberts, Wilson, Johnson and Pike, Subject: CB9 US Weeks Estimator Figures, with attachment
PTX 201	SPD-NY 0069113 - SPD-NY 0069131	11/29/2013	Meeting request from Gittins to Stewart, Lindner and Gittins, with attachments
PTX 202	SPD-NY 0017721 - SPD-NY 0017723	11/13/2013	Email from Gittins to Angell, Subject: Meeting Request from FDA
PTX 203	SPD-NY 0055621 - SPD-NY 0055624		Clearblue Advanced Pregnancy Test with Weeks Estimator Reactive Q&As Draft with Tracked Changes
PTX 204	SPD-NY 0050270 - SPD-NY 0050285	1/29/2014	Email from Humberstone to Guitart, Scaife and Gittins, Subject: Slides on weeks study, with attachment
PTX 205	SPD-NY 0003549 - SPD-NY 0003571	9/10/2008	Letter from Roberts to Kelm, Re: Pre-IDE Submission for Clearblue Pregnancy Test with Conception Indicator (I080478)
PTX 206	SPD-NY 0024092 - SPD-NY 0024130		Pregnancy Initiatives, Conception Indicator & Athos Presentation
PTX 207	SPD-NY 0045201 - SPD-NY 0045206	11/13/2012	Email from Johnson to Johnson-Lyles, CCing Godbert, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)
PTX 208	SPD-NY 0023872 - SPD-NY 0023875		Email from Zanzi to Howard, Ccing Daly and Jimenez, Subject: CB9 Best Friend TV copy - BOH approval, with attachment
PTX 209	SPD-NY 0068987 - SPD-NY 0069024	1/1/2013	Product Support - Initiative Quarterly Review Presentation
PTX 210	SPD-NY 0023052	3/19/2013	Clearblue Commerical Video - Clearblue CB 9 15" Back Up
PTX 211	SPD-NY 0010660 - SPD-NY 0010670	3/20/2013	Email from Daly to Consorte and Suarez, Subject: CB9 - 15 sec back up BY TODAY thanks :)
PTX 212	SPD-NY 0037309 - SPD-NY 0037315	3/27/2013	Email from Pike to Daly, Consorte and Suarez, Subject: CB9 US- moving forward - YOUR help please!, with attachments
PTX 213	SPD-NY 0015359 - SPD-NY 0015364	4/17/2013	Email from Pike to Lagarde, Subject: Weeks Estimator TV copy substantiation, with attachments
PTX 214	SPD-NY 0007938 - SPD-NY 0007939	7/11/2013	Email from Suarez to Daly, Subject: CVS - Copy/Visual Equities in WE Circular Blocks

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PTX 215	SPD-NY 0021686 - SPD-NY 0021687	10/1/2013	Email from Suarez to Duckett, CCing Daly, Subject: Weeks Estimator Displays in Store.pptx, with attachment
PTX 216	SPD-NY 0011930 - SPD-NY 0011931	10/21/2013	Email from Cutajar to Minniear, Daly and Suarez, CCing Cybowski, Subject: Weeks Estimator Display at Meijer, with attachment.
PTX 217	SPD-NY 0007376 - SPD-NY 0007380	12/11/2013	Email from Meinhardt to Daly, Subject: For Review, with attachments
PTX 218	SPD-NY 0023670 - SPD-NY 0023674	6/13/2013	Email from Suarez to Daly, Subject: Clearblue Weeks Estimator Press Materials
PTX 219	SPD-NY 0030771 - SPD-NY 0030773	8/28/2013	Email from List to Suarez, Vuturo, Minniear, Daly and Linton, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator TIME "Healthland" Exclusive
PTX 220	SPD-NY 0030708 - SPD-NY 0030713	8/28/2013	Email from Linton to Kupfer and Suarez, CCing CLEARBLUE_MSL_TEAM_USA list and Vuturo, Subject: Update: Tweeting TIME Healthland Exclusive Tomorrow (8/28)
PTX 221	SPD-NY 0025057 - SPD-NY 0025079	9/2/2013	Email from Daly to Solomon, Gou, Gonzalezalduenda, Grobman, Duckett, Myres, Benford, Harrington, Emerson, West and Powell, Ccing Suarez, Minniear and Cutajar, Subject: Clearblue weeks estimator launch coverage, with attachments
PTX 222	SPD-NY 0023382 - SPD-NY 0023384	4/16/2013	Email from Iasilli to Daly, CCing Minnear, Subject: Talking points MMP
PTX 223	SPD-NY 0078480 - SPD-NY 0078491	5/30/2013	Email from Daly to Peters, CCing Cutajar, Subject: Safeway & Clearblue, with attachments
PTX 224	SPD-NY 0011592 - SPD-NY 0011596	9/5/2013	Email from Daly to Suarez, Subject: Clearblue Weeks Estimator Press Release & Organic Coverage Update - 9/5
PTX 225	SPD-NY 0024848 - SPD-NY 0024854	2/26/2014	Email from Minnear to LockwoodTaylor, CCing Mccray, Subject: Clearblue Marketing Plan 1415, with attachment
PTX 226	SPD-NY 0007403 - SPD-NY 0007407	4/28/2014	Email from Vuturo to Daly and Mccray, Subject: CBS LA Weeks Estimator Coverage Update
PTX 227	SPD-NY 0042680 - SPD-NY 0042682	3/6/2014	Email from Moore to Guitart, Daly, Minniear and Mccray, CCing Pion, Subject: US Clearblue Awareness Tracker - February 2014 Topline, with attachment
PTX 228	SPD-NY 0052078 - SPD-NY 0052082	9/27/2012	Email from Roberts to Wilson, Johnson, Gittins, Pike and Perry, CCing Fair, Subject: CB9 Labelling letter to PDA v2
PTX 229	SPD-NY 0015162 - SPD-NY 0015163	2/7/2013	Email from Pike to Suarez, Subject: PR toolkit materials
PTX 230	SPD-NY 0012968 - SPD-NY 0012973	2/14/2013	Email from Wiseman to Pike, CCing Bowden and Borovska, Subject: Updated Key Messages, with attachment
PTX 231	SPD-NY 0015127 - SPD-NY 0015128	2/25/2013	Email from Pike to Wiseman, CCing Bowden and Towers, Subject: CB9 - next steps

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PTX 232	SPD-NY 0012925 - SPD-NY 0012926	3/1/2013	Email from Wiseman to Pike, Subject: CB9 US press release
PTX 233	SPD-NY 0015074 - SPD-NY 0015076	3/1/2013	Email from Pike to Sekhon, CCing Kouwenberg and Bentley
PTX 234	SPD-NY 0014890 - SPD-NY 0014891	3/18/2014	Email from Foster to Hardie and Scaife, CCing Pike, Subject: Additional questions on the model for 1415
PTX 235	SPD-NY 0035909 - SPD-NY 0035914	7/29/2013	Email from Sharman to Johnson, CCing Kouwenberg and Pike, Subject: CSD-0148 v1 Claim Substantiation Document for Clearb, with attachment
PTX 236	SPD-NY 0034997 - SPD-NY 0034998	12/11/2012	Email from Richards to Pike, Subject: Change to Coretext for CB9
PTX 237	SPD-NY 0069515 - SPD-NY 0069516	2/6/2013	CB9 1st Off Line Presentation
PTX 238	SPD-NY 0037575 - SPD-NY 0037578	2/11/2013	Email from Pike to Gittins, Subject: CB9 - Storyboard, with attachment
PTX 239	SPD-NY 0015333 - SPD-NY 0015337	4/3/2013	Email from Pike to Roberts, CCing Sharman and Gittins, Subject: Cb9 - substantiation for TV copy for US
PTX 240	SPD-NY 0016011 - SPD-NY 0016019	1/27/2014	Email from Pike to Giroud and Foster, Subject: Clearblue Videos > Youtube Channel missing elements, with attachments
PTX 241	SPD-NY 0015860 - SPD-NY 0015862	11/15/2013	Email from Pike to Lagarde, Subject: CB9 - lines for the actress to record, with attachments
PTX 242	SPD-NY 0066845 - SPD-NY 0066849	1/23/2013	Email from Suarez to Consorte, CCing Pike and Minniear, Subject: CB9 Revised concepts, with attachments
PTX 243	SPD-NY 0066957 - SPD-NY 0066960	1/24/2013	Email from Pike to Consorte, Subject: CB9 Revised concepts - feedback to discuss
PTX 244	SPD-NY 0010328 - SPD-NY 0010332	1/24/2013	Email from Consorte to Suarez and Minniear, Subject: CB9 Imedia Design, with attachments
PTX 245	SPD-NY 0076688 - SPD-NY 0076690	1/31/2013	Emai from Pike to Pion, Subject: Print and i-banner copy test quationnaires - FOR INPUT BY WEDNESDAY
PTX 246	SPD-NY 0013884 - SPD-NY 0013891	6/11/2013	Email from Suarez to Pike, Subject: CB9 concepts
PTX 247	SPD-NY 0015608 - SPD-NY 0015615	6/19/2013	Email from Pike to Scaife, Subject: CB9 concepts
PTX 248	SPD-NY 0012620 - SPD-NY 0012634		US Facebook Posts, Learnings for Europe? Presentation
PTX 249	SPD-NY 0033234 - SPD-NY 0033270	2/20/2013	Email from Granneslls to SPD-UK-EVERYONE list, CCing Dalsoglio, Subject: The Science Behind conception indicator - Slides for those who couldn't attend, with attachment

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 250	SPD-NY 0044881 - SPD-NY 0044888	3/6/2013	Email from Johnson to Daly, Suarez and Humberstone, Subject: Updated slides, with attachment
PTX 251	SPD-NY 0055987 - SPD-NY 0055988	4/4/2014	Email from Johnson to Hart, Carlisle and Humberstone, Subject: Single slide on CI study for back up at the reviews, with attachment
PTX 252	SPD-NY 0009066 - SPD-NY 0009072	2/19/2013	Clearblue FY 13/14 Planning Meeting Recap
PTX 253	SPD-NY 0074332 - SPD-NY 0073334	8/7/2012	Email from Consorte to Pion, Subject: CI concept, with attachment
PTX 254	SPD-NY 0074578 - SPD-NY 0074630	10/24/2012	Email from Suarez to Consorte and Corredoira, CCing Pion, Shipley and Daly, Subject: Question from the agency, with attachment
PTX 255	SPD-NY 0009668 - SPD-NY 0009673	10/25/2012	Email from Suarez to Suarez, Consorte and Bussolari, CCing Corredoira, Bildirgen, and Daly, Subject: Question from the agency, with attachments
PTX 256	SPD-NY 0007708	3/8/2013	Email from Suarez to Minniear, Meinhardt, Page, Lucas, Stevenson, Harrigan, Sullivan and Cutajar, CCing Daly, Subject: BEST NEWS EVER!! Happy Friday!
PTX 257	SPD-NY 0007733 - SPD-NY 0007739	3/20/2013	Email fro Suarez to Consorte, CCing Daly, Subject: TV recap
PTX 258	SPD-NY 0030498 - SPD-NY 0030500	8/13/2013	Email from Nenon to Suarez, Subject: YouTube edits
PTX 259	SPD-NY 0030274 - SPD-NY 0030287	7/12/2013	Email from Abadi to Suarez, CCing Colvin, Subject: Boards, with attachment
PTX 260	SPD-NY 0018971 - SPD-NY 0018973	8/5/2013	Email from Suarez to Nenon, Ccing Minniear and Meinhardt, Subejct: The website content
PTX 261	SPD-NY 0006044 - SPD-NY 0006056	4/25/2013	Email from Meinhardt to NAeComContent, Subject: eContent Gathering Template for AdvPreg w WE.xls, with attachments
PTX 262	SPD-NY 0011229 - SPD-NY 0011230	7/25/2013	Email from Nenon to Suarez, Subject: WE Enhanced Content, with attachment
PTX 263	SPD-NY 0020305 - SPD-NY 0020309	12/3/2013	Email from Meinhardt to Suarez, Subject: Input Requested - Basic eContent...Advanced Preg w/Weeks Estimator, with attachments
PTX 264	SPD-NY 0019130 - SPD-NY 0019147	1/13/2014	Email from Meinhardt to NAeComContent, Subject: CRITICAL .. eContent for AdvPreg w WE - 1-9-14.xlsx, with attachment
PTX 265	SPD-NY 0018869 - SPD-NY 0018885	2/3/2014	Email from NAeComContent to Meinhardt, CCing Nathani, Mariaraj, Nazir, Ghabrani, Balasubramanian, Monaldo and Salunke, Subject: Weeks Estimator Content change - URGENT, with attachment
PTX 266	SPD-NY 0004474 - SPD-NY 0004478	2/3/2014	Email from Salunke to NAeComContent, CCing Nathani, Mariaraj, Nazir, Ghabrani, Balasubramanian, Monaldo and Salunke and Meinhardt, Subject: Weeks Estimator Content change - URGENT

Plaintiff's Trial Exhibits

Trial Exhibit #	Bates Range	Doc Date	Description
PTX 267	SPD-NY 0027060 - SPD-NY 0027069		Clearblue Weeks Estimator Table Top Review presentation
PTX 268	SPD-NY 0030879 - SPD-NY 0030881	8/29/2013	Email from Nenon to Suarez, CCing Minniear, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator Exclusive Launch Comprehensive Recap, 8/28
PTX 269	SPD-NY 0008091 - SPD-NY 0008096	9/13/2013	Email from Suarez to Daly, Subject: For Review: Tamera/Clearblue Partnership Press Release
PTX 270	SPD-NY 0011655 - SPD-NY 0011658	9/13/2013	Email from Scull to Suarez, CCing Dewald, Subject: UPDATE: Tamera on The Doctors!
PTX 271	SPD-NY 0012342 - SPD-NY 0012353	12/6/2013	Email from Iasilli to Suarez and Minniear, Subject: Clearblue Heavy Up Nielsen Study, with attachment
PTX 272	SPD-NY 0009501 - SPD-NY 0009502		Social Media Cards
PTX 273	SPD-NY 0009499 - SPD-NY 0009500		Clearblue Waiting is the Hardest Part document
PTX 274	SPD-NY 0022680 - SPD-NY 0022711	2/15/2013	Email from Cutajar to Daly, Ccing Suarez and Cutajar, Subject: GBP Documents to be Submitted at 5 pm, with attachments
PTX 275	SPD-NY 0023114 - SPD-NY 0023143	3/27/2013	Email from Cutajar to Cohen, CCing Daly and Suarez, Subject CVS/Clearblue Slide Deck v1, with attachment
PTX 276	SPD-NY 0006216 - SPD-NY 0006225	5/24/2013	Email from Solomon to Suarez and Meinhardt, Subject: Response Needed
PTX 277	SPD-NY 0006232 - SPD-NY 0006238	5/28/2013	Email from Solomon to Suarez and Meinhardt, CCing Cutajar, Subject: Response Needed
PTX 278	SPD-NY 0019461 - SPD-NY 0019463	7/25/2013	Email from Meyer to Suarez and Meinhardt, Subject: 29587 Clearblue Third Page ad, with attachment
PTX 279	SPD-NY 0030534 - SPD-NY 0030539	8/14/2013	Email from Danielson to Suarez, Subject: Revision Order - 2 for Job/Comp 029133-01 Clearblue Blad Insert, with attachments
PTX 280	SPD-NY 0006465 - SPD-NY 0006471	6/25/2013	Email from Meinhardt to Suarez, Subject: Display artwork, with attachments
PTX 281	SPD-NY 0030531 - SPD-NY 0030533	8/15/2013	Email from Abaunza to Suarez, CCing Cutajar and Ruston, Subject: Weeks Estimator on Walmart.com
PTX 282	SPD-NY 0021709 - SPD-NY 0021711	12/11/2013	Email from Madigan to Suarez and Daly, Subject: URGENT, remove and update Walmart.com unapproved language for weeks estimator
PTX 283	SPD-NY 0031127 - SPD-NY 0031130	11/1/2013	Email from Daly to Suarez, Subject: CB WE Selftalker, with attachment
PTX 284	SPD-NY 0030780	8/29/2013	Email from Linton to Suarez, Subject: PLEASE READ: Comments Beneath Yesterday's WE FB Post

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PTX 285	SPD-NY 0081483 - SPD-NY 0081485	8/29/2013	Email from Suarez to Linton, Subject: PLEASE READ: Comments Beneath Yesterday's WE FB Post
PTX 286	SPD-NY 0078269 - SPD-NY 0078278	2/13/2013	Email from Wopfner to Suarez, Cutajar and Minniear, Subject: CRM - competition structural financial, with attachment
PTX 287	SPD-NY 0024839 - SPD-NY 0024841	10/30/2013	Email from Suarez to Minniear, Subject: Weekly Share
PTX 288	SPD-NY 0012319 - SPD-NY 0012320	11/21/2013	Email from LockwoodTaylor, Subject: Positive Gossip from the MDO
PTX 289	SPD-NY 0081782 - SPD-NY 0081785	7/25/2013	Email from Suarez to Nenon, Subject: WE Enhanced Content, with attachment
PTX 290	SPD-NY 0007936 - SPD-NY 0007937	7/9/2013	Email from Suarez to Daly, Subject: Weeks Estimator Training
PTX 291	SPD-NY 0081363	1/31/2014	Email from Minniear to Linton, Subject: WE Amazon Review - LiteracySpecialist
PTX 292	SPD-NY 0081063	8/13/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published
PTX 293	SPD-NY 0011798 - SPD-NY 0011800	10/7/2013	Email from Linton to Suarez, CCing Minniear and Vuturo, Subject: WE Comment on the Facebook Wall
PTX 294	SPD-NY 0081257 - SPD-NY 0081258	3/4/2014	Email from Nenon to Linton, Subject: Spreadsheet, with attachment
PTX 295			Clearblue Adadvanced Pregnancy Test One Sheet
PTX 296	SPD-NY 0084460 - SPD-NY 0084461	8/30/2013	Email from Meinhardt to Daly, Subject: 4 - One-Page Retail Presentation - Clearblue APT - Mar 2013.pptx, with attachment
PTX 297	SPD-NY 0084465 - SPD-NY 0084472		Sochi 2014 Olympic Winter Games Feb 7-23, 2014 document
PTX 298	SPD-NY 0024930 - SPD-NY 0024983	2/5/2013	Email from Cutajar to Minniear, Subject: Help Needed Competitive Response Session, with attachments
PTX 299	SPD-NY 0030487 - SPD-NY 0030488	8/13/2013	Email from Cutajar to Daly and Mccracken, CCing Suarez, Muehlfeld, Minniear, Meinhardt and Page, Subject: Weeks Estimator Launch Tracker #1 - DPSM (updated), with attachment
PTX 300	SPD-NY 0006439 - SPD-NY 0006441	6/19/2013	Email from Meinhardt to Cutajar, Subject: Weeks estimator claims
PTX 301	SPD-NY 0007787 - SPD-NY 0007790	4/17/2013	Email from Meinhardt to Duckett and Cutajar, Subject: Clearblue Weeks Estimator Claims, with attachment
PTX 302			Compilation of documents produced by Cutajar at deposition
PTX 303	SPD-NY 0084358 - SPD-NY 0084373		Handwritten notes
PTX 304	SPD-NY 0089358 - SPD-NY 0089375		Handwritten notes

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Trial Exhibit #	Bates Range	Doc Date	Description
PTX 305	SPD-NY 0084822 - SPD-NY 0084840		Email from Lehane to Daly, Humberstone and Johnson, Subject: Ad Board Meeting Pack, with attachment
PTX 306	SPD-NY 0082590 - SPD-NY 0082670	10/17/2013	SPD Advisory Board presentation
PTX 307	SPD-NY 0085554 - SPD-NY 0085641	12/11/2012	SPD Advisory Board presentation
PTX 308	SPD-NY 0089376 - SPD-NY 0089377	7/28/2009	Clearblue Advanced Agenda for Advisory Board Meeting
PTX 309	SPD-NY 0085552 - SPD-NY 0085553	7/28/2009	Clearblue Advanced Agenda for Advisory Board Meeting Draft 2A
PTX 310	SPD-NY 0085493 - SPD-NY 0085547	7/28/2009	Clearblue Advanced Agenda for Advisory Board Meeting Presentation
PTX 311	SPD-NY 0091986 - SPD-NY 0092090	1/26/2012	SPD Advisory Board presentation
PTX 312	SPD-NY 0091985	1/27/2012	Photocopy of Clearblue Advanced Pregnancy Test package
PTX 313	SPD-NY 0092091	1/27/2012	Clearblue Advanced Pregnancy Test with Weeks Indicator instructions for use
PTX 314	SPD-NY 0068861 - SPD-NY 0068871	9/19/2012	Email from Wilson to Lindner, CCing Guitart, Subject: FDA Feedback, with attachment
PTX 315	SPD-NY 0022538 - SPD-NY 0022543	11/9/2012	Email from Wilson to Guitart, Daly, Consorte and Colacchia, CCing Gittins, Subject: FDA Feedback, with attachments
PTX 316	SPD-NY 0082397 - SPD-NY 0082416	1/17/2014	SPD's Medical Device Reporting Business Process
PTX 317	SPD-NY 0082417 - SPD-NY 0082420		USA Medical Device Reporting Decision Tree document
PTX 318	SPD-NY 0082434 - SPD-NY 0082442	5/30/2013	SPD's Procedure for the Escalation of Issues (Potentially Reportable Events and Suspected GMP issues) reported to Customer Support for Investigation, Assessment and/or Higher Level Review
PTX 319	SPD-NY 0082443 - SPD-NY 0082462	1/16/2014	SPD's Medical Device Reporting Decision Tree and Reporting Process
PTX 320	SPD-NY 0092126 - SPD-NY 0092134		Consumer Complaint Call Transcript, 001358467A
PTX 321	SPD-NY 0084495		CRS Verbatim Recording document
PTX 322	SPD-NY 0090003 - SPD-NY 0090012	5/18/2011	Consumer Complaint Call Transcript, 001326074A
PTX 323	SPD-NY 0090053 - SPD-NY 0090057	9/5/2011	Consumer Complaint Call Transcript, 001340587A

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PTX 324	SPD-NY 0089756 - SPD-NY 0089761	12/6/2011	Consumer Complaint Call Transcript, 001352908A
PTX 325	SPD-NY 0090264 - SPD-NY 0090269	6/29/2012	Consumer Complaint Call Transcript, 001377662A
PTX 326	SPD-NY 0090551 - SPD-NY 0090558	6/10/2014	Consumer Complaint Call Transcript, 001645979A
PTX 327	SPD-NY 0091698 - SPD-NY 0091704	12/13/2013	Consumer Complaint Call Transcript, 001604063A
PTX 328	SPD-NY 0091751 - SPD-NY 0091763		Consumer Complaint Call Transcript
PTX 329	SPD-NY 0091981 - SPD-NY 0091984	9/27/2013	Signed Engagement Letter for Barnhart
PTX 330	SPD-NY 0050821 - SPD-NY 0050826		Discussion Document, FDA Amendments - CB9 Labelling
PTX 331	SPD-NY 0000058 - SPD-NY 0000061	11/18/2013	Email from Duan to Gittins, Subject: Meeting Request from FDA
PTX 332	SPD-NY 0001814 - SPD-NY 0001829	11/23/2011	Email from Johnson-Lyles to Roberts, Subject: K112870 hold notification - Clearblue Advanced Pregnancy Test with Weeks Indicator, with attachment
PTX 333	SPD-NY 0002764 - SPD-NY 0002770	10/24/2012	Email from Godbert to Johnson-Lyles, Ccing Johnson and Roberts, Subject: K112870/S001 Clearblue hold item 1 following FDA feedback dated 18th Oct 2012, with attachments
PTX 334	SPD-NY 0082464 - SPD-NY 0082475	2/11/2009	Consultancy Agreement between SPD Development Company Limited and Michael Zinaman
PTX 335	SPD-NY 0082477 - SPD-NY 0082479	6/9/2009	Confidentiality Agreement between SPD Development Company Limited and Todd Alonzo
PTX 336	SPD-NY 0055635 - SPD-NY 0055636		Device Accuracy document
PTX 337	SPD-NY 0045365 - SPD-NY 0045370	9/13/2012	Email from Johnson to Roberts, Parsons, Perry, Bodbert and Wilson, Subject: Notes from Meeting Today, with attachment
PTX 338	SPD-NY 0042866 - SPD-NY 0042887		Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Presentation
PTX 339	SPD-NY 0044951 - SPD-NY 0044960	1/30/2013	Email from Johnson to Sullivan, Devald and Scull, Ccing Minniear, Linton and Hoytt, Subject Clearblue Geneva Call - re: Conception Indicator, with attachment
PTX 340	SPD-NY 0043118 - SPD-NY 0043119		Clearblue Advanced Pregnancy Test with Weeks Estimator Q&A
PTX 341	SPD-NY 0053468	4/11/2013	Email from Humberstone to Wilson, Johnson, Gittins and Roberts, Subject: CB9 Future Strategy

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PTX 342	SPD-NY 0014289 - SPD-NY 0014298	8/7/2013	Email from Guitart to Humberstone, Johnson, Wilson, Scaife, Pike, Roberts, Gittins, Daly, Perry, and Hart, Subject: New Paper: Length of human pregnancy and contributors to its natural variation, with attachment
PTX 343	SPD-NY 0068839 - SPD-NY 0068840	9/27/2012	Email from Wilson to Consorte, Subject: Product name description for FDA response
PTX 344	REMOVED - DUPLICATE of PTX 209		REMOVED
PTX 345	SPD-NY 0037630 - SPD-NY 0037647	2/7/2013	Email from Pike to Wiseman, CCing Bowden, Subject: Clearblue Weeks Estimator Meeting on Monday, with attachments
PTX 346	SPD-NY 0089784 - SPD-NY 0089791		Consumer Complaint Call Transcript
PTX 347	SPD-NY 0090168 - SPD-NY 0090175		Consumer Complaint Call Transcript
PTX 348	SPD-NY 0091208 - SPD-NY 0091215		Consumer Complaint Call Transcript
PTX 349	SPD-NY 0091386 - SPD-NY 0091393		Consumer Complaint Call Transcript
PTX 350	SPD-NY 0091593 - SPD-NY 0091598		Consumer Complaint Call Transcript
PTX 351	SPD-NY 0091045 - SPD-NY 0091054		Consumer Complaint Call Transcript
PTX 352	REMOVED		REMOVED
PTX 353	SPD-NY 0091505 - SPD-NY 0091519		Consumer Complaint Call Transcript
PTX 354	SPD-NY 0078716		Video attachment to email from Consorte to Yacoubain
PTX 355	SPD-NY 0022644- SPD-NY 0022648	12/18/2012	Email from Suarez to Daly, Subject: SPD feedback on STB sisters including legal and regulatory check
PTX 356	SPD-NY 0029932- SPD-NY 0029935	12/18/2012	Email from Corredoira to Suarez, Subject: scripts for final review and approval before pre-bid on Thursday, with attachments
PTX 357	SPD-NY 0010697- SPD-NY 0010703	3/20/2013	Email from Corredoira to Suarez, Subject: CB9 - TVC recap
PTX 358	SPD-NY 0006417- SPD-NY 0006424	5/22/2013	Email from Suarez to Pehrson, Subject: Clearblue Shelf Tray
PTX 359	SPD-NY 0034879- SPD-NY 0034881	1/21/2013	Email from Suarez to Yacoubain, Consorte, and Moss, Ccing Corredoira, Pike, Minniear, and Burrow, Subject: Clearblue Shelf Tray

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PTX 360	SPD-NY 0011378- SPD-NY 0011388	8/20/2013	Email from Nenon to Suarez, CCing Minniear, Subject: search - WE, with attachment
PTX 361	SPD-NY 0029959- SPD-NY 0029961	2/15/2013	Email from Iasilli to Suarez, Subject: Clearblue Status 2.14.13, with attachment
PTX 362	SPD-NY 0055838- SPD-NY 0055841	10/25/2013	Email from Dewald to Humberstone, CCing Scull, Kupfer, and Suarez, Subject: ADDITIONAL NEEDS: WSJ
PTX 363	SPD-NY 0025042- SPD-NY 0025043	5/6/2013	Email from List to Suarez, Sullivan, Minniear, and Daly, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator ACOG Launch
PTX 364	SPD-NY 0030096- SPD-NY 0030100	5/10/2013	Email from Chemalis to Suarez, Sullivan, Minniear, and Daly, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Monitoring Report (week of May 6-10), with attachments
PTX 365	SPD-NY 0025051- SPD-NY 0025056	8/29/2013	Email from List to Suarez, Vuturo, Minniear, Daly, and Linton, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator Exclusive Launch Comprehensive Recap, 8/29, with attachments
PTX 366	SPD-NY 0025083 - SPD-NY 0025087	8/30/2013	Email from Suarez to Minniear, Subject: Clearblue Monitoring Report (Week of August 26-30)
PTX 367	SPD-NY 0084169 - SPD-NY 0084171	3/18/2014	Email from Scaife to Pike, Subject: US Facebook Posts, with attachment
PTX 368		8/28/2013	"Finally, The First Home Pregnancy Test That Tells You How Pregnant You Are," by Sifferlin, <u>TIME</u>
PTX 369		11/24/2014	Email from Mehretu to Yang, Goldstein, Mervis, Vinti, Warshafsky, CCing Knowles, Greer, Wang and Levy, Subject: Customer complaints - follow up
PTX 370		11/12/2014	Email from Greer to Mervis, Knowles, Mehretu, Wang and Fong, Ccing Levy, Downs, Goldstein, Vinti, Warshafsky and Yang, Subject: Meet and Confer in Advance of 11/14 Conference
PTX 371	SPD-NY 0000001 - SPD-NY 0004176	12/11/2012	Clearblue Weeks Estimator 510K file
PTX 372		9/2/2014	Defendant SPD's Response to First Set of Requests for Admission Propounded by Plaintiff Church & Dwight Co., Inc.
PTX 373		10/3/2014	Defendant SPD Swiss Precision Diagnostics GmbH's Response to Third Set of Interrogatories Propounded by Plaintiff Church & Dwight Co., Inc.
PTX 374		9/26/2014	Email from Yang to Greer, Mervis and Mehretu, CCing Goldstein, Weinstein, Vinti, Warshafsky, Downs, Levy, Knowles and Wang, Subject: Suarez and Linton Depositions, with attachment
PTX 375		1/22/2015	Kurt Barnhart Deposition Excerpts, pages 1, 178-179, 271-273
PTX 376			Stipulation regarding retailer presentations, keywords, materials provided to Tamera Mowry-Housley, etc.
PTX 377			Spanish Language Clearblue Weeks Estimator Commercial
PTX 378	SPD-NY 0008752 - SPD-NY 0008754	9/6/2013	Email from Linton to Suarez, Vuturo, Minniear, CCing Evans, Subject: The Pregnancy Beat
PTX 379	SPD-NY 0011327- SPD-NY 0011332	8/7/2013	Email from Linton to Suarez and Vuturo, CCing Evans, Subject: Clearblue Social Responses for WE, with attachment

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PTX 380	SPD-NY 0011333 - SPD-NY 0011334	8/7/2013	Email from Linton to Suarez and Vuturo, Subject: Social Responses for Clearblue WE, with attachment
PTX 381	SPD-NY 0030719 - SPD-NY 0030725	8/28/2013	Email from Linton to Macon, Subject: Update: Tweeting TIME Healthland Exclusive Tomorrow (8/28)
PTX 382	SPD-NY 0030726	8/28/2013	Email from Linton to Suarez, Subject: Comment Beneath Today's Post - Her Dr Can't Confirm Her # of Weeks
PTX 383	SPD-NY 0030895	8/29/2013	Email from Linton to Suarez, Subject: Accuracy of WE - Inconsistency with Careline Language
PTX 384	SPD-NY 0030896 - SPD-NY 0030903	8/29/2013	Email from Linton to Suarez, Subject: Update: Tweeting TIME Healthland Exclusive Tomorrow (8/28)
PTX 385	SPD-NY 0081022 - SPD-NY 0081031		Social Responses for Weeks Estimator Templates
PTX 386	SPD-NY 0081060	8/14/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published
PTX 387	SPD-NY 0081062	8/13/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published
PTX 388	SPD-NY 0081065 - SPD-NY 0081069	8/13/2014	Email from Anderson to Linton, CCing Killinger and Dewarld, Subject: Updated WE Messaging, with attachment
PTX 389	SPD-NY 0081078 - SPD-NY 0081079	8/11/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published
PTX 390	SPD-NY 0081085	8/6/2014	Email from Linton to Minniear, Subject: Accuracy of Weeks Estimator
PTX 391	SPD-NY 0081371	12/2/2013	Email from Evans to Linton and Genc, Subject: Update: Weeks Estimator is Challenged
PTX 392	SPD-NY 0081497 - SPD-NY 0081499	8/5/2013	Email from Suarez to Linton and Vuturo, Subject: Social Responses for WE Accuracy Claims
PTX 393	SPD-NY 0081505 - SPD-NY 0081535	6/28/2013	Email from Whang to Linton, Subject: Weeks estimator training, with attachment
PTX 394	SPD-NY 0081536	6/25/2013	Email from Linton to Linton, Subject: WEEKS ESTIMATOR TRAINING
PTX 395	SPD-NY 0084197 - SPD-NY 0084206	7/31/2013	eContent Template
PTX 396	SPD-NY 0084207 - SPD-NY 0084216	6/4/2013	eContent Template
PTX 397	SPD-NY 0084217 - SPD-NY 0084233	2/24/2014	eContent Template
PTX 398	SPD-NY 0084163		Youtube Keywords
PTX 399	SPD-NY 0082463		Tamera Mowry-Housley "The Doctors" Key Messages
PTX 400	SPD-NY 0011689- SPD-NY 0011724	9/16/2013	Email from Dewald to Spencer, Tracy, Assistant, Singer, Scull, Pandyra, Suarez and Brightman, Subject: Call with Dr. Brightman and Tamera Mowry - Clearblue, with attachments
PTX 401		10/2/2014	Linked-In Page for Robert Cutajar
PTX 402		9/29/2014	Linked-In Page for Kirsten Suarez
PTX 403		9/29/2014	Linked-In Page for Karen Linton

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PTX 404		9/10/2014	Linked-In Pages for Joanna Pike
PTX 405	SPD-NY 0046498 - SPD-NY 0046511		510(k) Substantial Equivalence Determination Decision Summary Assay Only Template for k112870
PTX 406	SPD-NY 0060851 - SPD-NY 0060942	11/29/2012	Email from Godbert to Johnson-Lyles, Ccing Johnson and Roberts, Subject: K112870/S001 Clearblue hold item 1 following FDA feedback dated September 12th 2012, with attachments
PTX 407	SPD-NY 0057369 - SPD-NY 0057373	12/4/2012	Email from Richards to Nixon, Ccing May, Subject: IB-RELEASE10_CLB_US-ADPT to Itarus_120312
PTX 408	SPD-NY 0022640 - SPD-NY 0022643	12/13/2014	Email from Richards to Daly, Subject: US Conception Indicator AW file, with attachment
PTX 409	SPD-NY 0049608 - SPD-NY 0049615	12/10/2012	Email from Johnson-Lyles to Gittins, Ccing Johnson, Roberts and Godbert, Subject: DHL Shipment Notification: K112870/S001 Clearblue Response to hold notification daed September 12th 2012
PTX 410	SPD-NY 0084234 - SPD-NY 0084248		Clearblue U.S. Pregnancy Test Category Dollars Have Remained Flat Over the Past 4 Years presentation
PTX 411	SPD-NY 0048927 - SPD-NY 0048929	11/13/2013	Email from Duan to Gittins, Subject: Meeting request from FDA
PTX 412	SPD-NY 0053201 - SPD-NY 0053202	11/14/2013	Email from Gittins, Subject: FDA Call - some thoughts
PTX 413	SPD-NY 0084561 - SPD-NY 0084590	8/27/2013	Email from Cutajar to West, Ccing Suarez and Daly, Subject: Costco.com Slides v4, with attachments
PTX 414	SPD-NY 0084182 - SPD-NY 0084196	8/1/2013	Clearblue Presentation for Walmart
PTX 415	SPD-NY 0084320 - SPD-NY 0084351	8/28/2013	Amazon Clearblue Meeting Presentation
PTX 416	SPD-NY 0084529 - SPD-NY 0084560	8/26/2013	Email from Emerson to Daly, Suarez and Cutajar, Subject: Drugstore Presentation for Tomorrow, with attachment
PTX 417		1/22/2014	Letter from Mervis to Lifland regarding Clearblue packages found in stores

Exhibit F

Church & Dwight Co., Inc. v. SPD Swiss Precision Diagnostics GmbH
USDC – SDNY No. 14-CV-585 (AJN)

Plaintiff's Objections To Defendant's Trial Exhibits

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
1.	09/12/2012	Email from D. Johnson-Lyles to L. Roberts re K112870/S001 Clearblue hold notification	SPD-NY 0002651-2661	Partial document/incomplete and requires remainder of related writings (FRE 106)
2.	12/3/2002	US Dept. Health & Human Services Determination of Intended Use for 510(k) Devices; Guidance for CDRH Staff (Update to K98-1)	N/A	Document admissible for limited purpose (FRE 105)
3.	10/02/2012	Email from L. Roberts to D. Johnson-Lyles re K112870/S001 Clearblue hold notification	SPD-NY 0017545-17556	Partial document/incomplete and requires remainder of related writings (FRE 106)
4.	10/18/2012	Email from D. Johnson-Lyles to L. Roberts re K112870/S001 Clearblue hold notification	SPD-NY 0002690-2702	Partial document/incomplete and requires remainder of related writings (FRE 106)
5.	10/24/2012	Email from S. Godbert to D. Johnson-Lyles re K112870/S001 Clearblue hold notification	SPD-NY 0002764-2770	Partial document/incomplete and requires remainder of related writings (FRE 106)
6.	11/08/2012	Email from D. Johnson-Lyles re K112870/S001 Clearblue hold notification	SPD-NY 0002795-2801	Partial document/incomplete and requires remainder of related writings (FRE 106)
7.	11/20/2012	Email from S. Johnson to D. Johnson-Lyles re Preview of response to section 3b received Nov 8 (Re k112870/S001)	SPD-NY 0045969-45984	Partial document/incomplete and requires remainder of related writings (FRE 106)
8.	11/20/2012	Email from D. Johnson-Lyles to S. Johnson re Preview of response to section 3b received Nov 8 (Re k112870/S001)	SPD-NY 0002809-2811	Partial document/incomplete and requires remainder of related writings (FRE 106)
9.	11/27/2012	Email from D. Johnson-Lyles to S. Johnson re Preview of response to section 3b received Nov 8 (Re k112870/S001)	SPD-NY 0002812-2815	Partial document/incomplete and requires remainder of related writings (FRE 106)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
10.	Undated	k112870/S001 – Clearblue Advanced Pregnancy Test with Weeks Estimator – SPD Response to FDA Hold Letter dated September 12, 2012	SPD-NY 0045912-45995	Partial document/incomplete and requires remainder of related writings (FRE 106)
11.	12/20/2012	Ltr from A. Gutierrez, Dept. Health & Human Services, to M. Gittins re: k112870 – Trade/Device Name: Clearblue Advanced Pregnancy Test with Weeks Estimator	SPD-NY 0002615-2619	Partial document/incomplete and requires remainder of related writings (FRE 106)
12.	Undated	Clearblue Advanced Pregnancy Test Package Labeling	SPD-NY 0019350	Partial document/incomplete and requires remainder of related writings (FRE 106)
13.	11/12/2013	Email from L. Duan to M. Gittins re Meeting request from FDA	SPD-NY 0045685	Partial document/incomplete and requires remainder of related writings (FRE 106)
14.	11/13/2013	Email from M. Gittins to L. Duan re Meeting request from FDA	SPD-NY0045822-45823	Partial document/incomplete and requires remainder of related writings (FRE 106)
15.	11/22/2013	Email from M. Gittins to L. Duan re Meeting with SPD – Minutes and mitigation proposals	SPD-NY 0045693-45708	Partial document/incomplete and requires remainder of related writings (FRE 106)
16.	12/17/2013	Memo from L. Duan to M. Gittins re SPD proposal of revised IFU for use in the case of promotional materials where space is constrained	SPD-NY 0017753-17754	Partial document/incomplete and requires remainder of related writings (FRE 106)
17.	11/27/2013	Email from L. Duan to M. Gittins re FDA feedback to SPD’s mitigation proposal	SPD-NY 0046040-46044	Partial document/incomplete and requires remainder of related writings (FRE 106)
18.	12/05/2013	Email from M. Gittins to L. Duan re Clearblue Advanced Pregnancy Test with Weeks Estimator: final pack	SPD-NY 0045892-45896	Lacks relevance (FRE 401, FRE 402)
19.	12/05/2013	Email from L. Duan to M. Gittins re Clearblue Advanced Pregnancy Test with Weeks Estimator: final pack	SPD-NY 0046056-46057	Lacks relevance (FRE 401, FRE 402)
20.	12/05/2013	Email from M. Gittins to L. Duan re Clearblue Advanced Pregnancy Test with Weeks Estimator: final pack	SPD-NY 0045812-45814	Lacks relevance (FRE 401, FRE 402)
21.	12/06/2013	Email from M. Gittins to L. Duan re box design approved	SPD-NY 0017709-17711	Lacks relevance (FRE 401, FRE 402)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
22.	12/23/2013	Email from M. Gittins to L. Duan re FDA feedback on SPD's proposal of a revised IFU for use in the case of promotional materials where space is constrained	SPD-NY 0045898-45902	Lacks relevance (FRE 401, FRE 402)
23.	01/06/2014	Email from L. Duan to M. Gittins re Acknowledgement of FDA Feedback of 2013-12-17	N/A	Lacks relevance (FRE 401, FRE 402)
24.	08/15/2013	Weeks Estimator Commercial (Storyboard)	N/A	
25.	09/27/2011	Clinical Story Report: Evaluation of Clearblue Advanced Pregnancy Test "Weeks Indicator" Result Compared to Reference Measures of Gestational Age	SPD-NY 0001376-1450	Hearsay (FRE 802), document admissible only for a limited purpose (FRE 105)
26.	08/13/2012	Ltr from SPD to FDA re k112870 – Trade Name: Clearblue Advanced Pregnancy Test with Weeks Indicator	N/A	Partial document/incomplete and requires remainder of related writings (FRE 106)
27.	Undated	Proposed Product Labeling	N/A	
28.	10/10/2013	Ltr from J. Shapiro to FDA re Improper marketing by SPD Swiss Precision Diagnostics GmgH of Clearblue Advanced Pregnancy Test with Weeks Estimator	CD0000001-33	Lacks relevance (FRE 401, FRE 402)
29.	11/01/2013	Ltr from J. Shapiro to FDA re Improper marketing by SPD Swiss Precision Diagnostics GmgH of Clearblue Advanced Pregnancy Test with Weeks Estimator	CD0000036-80	Lacks relevance (FRE 401, FRE 402)
30.	11/01/2013	Email from J. Woods to J. Shapiro re Clearblue Weeks Estimator – Violative [sic] Conduct	CD0000034-35	Lacks relevance (FRE 401, FRE 402)
31.	11/04/2013	Ltr from FDA to J. Shapiro re Response to October 10, 2013 letter	CD0000081-82	Lacks relevance (FRE 401, FRE 402)
32.	Undated	Sarah Johnson's Curriculum Vitae	N/A	
33.	01/20/2015	Email from the American Journal of Obstetrics & Gynecology to C. Lees re Your Submission, W14-1099	N/A	Lacks relevance (FRE 401, FRE 402), hearsay (FRE 802), lack of authentication/foundation (FRE 901), partial document/incomplete (FRE 106), failure to produce document in discovery

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
34.	11/13/2014	Sarah Johnson Deposition Transcript Excerpts	N/A	FRCP 32(a)(3) and (4), FRE5.A.viii of the Court's Individual Practices in Civil Cases
35.	Undated	Jo Pike's Curriculum Vitae	N/A	
36.	2012	Ipsos Marketing – Clearblue Ovulation & Fertility U&A 2012 [Same as DTX 041, 117]	SPD-NY 0080005-80189	
37.	Undated	Tamera Mowry-Housely – Clearblue Advanced Pregnancy Test with Weeks Estimator – “The Doctors” Key Messages:	SPD-NY 0082463	
38.	Undated	To Ensure We're on the Same Page	SPD-NY 0011717	
39.	Undated	Primary Key Message	SPD-NY 0011713	
40.	03/01/2013	Email from K. Suarez to V. Consorte re: PR/US Team doesn't want to “talk” ovulation	SPD-NY 0007475-7577	
41.	2012	Ipsos Marketing – Clearblue Ovulation & Fertility U&A 2012 [Same as DXT 036, 117]	SPD-NY 0080005-80189	
42.	12/2014	Mary Sammel's Curriculum Vitae	N/A	
43.	06/23/2013	"Lightning – Frequently Asked Questions" retrieved from the National Weather Service	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
44.	07/07/2015	Three-sigma rule originated by M.S. Nikulin, that I retrieved online at the Encyclopedia of Mathematics (<i>available at</i> http://www.encyclopediaofmath.org/index.php?title=Three-sigma_rule&oldid=17366)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
45.	Undated	Sarah Butler's Curriculum Vitae	N/A	
46.	02/2015	Contact Clear Blue Screenshot Screenshots	N/A	
47.	02/2015	Pregnancy Test – Clearblue Innovations ... Screenshots	N/A	

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
48.	02/2015	Church & Dwight Brands and Products – Brand Browser Screenshots	N/A	Lacks relevance (FRE 401, FRE 402)
49.	Undated	Federal Judicial Center Reference Manual on Scientific Evidence Screenshots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
50.	10/24/2012	Email from K. Suarez to V. Consorte re Clearblue Diagnostic Report CMK#US12D785	SPD-NY 0074578-0074630	
51.	Undated	Product Study – Main Survey		Lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
52.	03/08/2013	Email from C. Pion to K. Suarez re US 130561 Best Friends Before Your Doctor's Visit Final Report	SPD-NY 007480-7509	
53.	05/2012	Home Pregnancy Test Use Among U.S. Women – Philip Johnson Report	N/A	Lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
54.	12/01/2014	Poret's Survey Data File	N/A	
55.	01/08/2014	Hal Poret Deposition Transcript Excerpts	N/A	Rule 5.A.viii of the Court's Individual Practices in Civil Cases
56.	05/2012	How to Measure False Advertising in a Litigation Survey	N/A	
57.	Undated	Bruce Isaacson Deposition Transcript Excerpts	N/A	Rule 5.A.viii of the Court's Individual Practices in Civil Cases
58.	Undated	Cross Tabulation Tables - Exhibit 8 of Isaacson Report	N/A	
59.	Undated	Cross Tabulation Tables – Created by S. Butler	N/A	
60.	Undated	Video: FDA approved commercial for YouTube	N/A	
61.	Undated	FDA approved commercial for YouTube (Storyboard)	N/A	
62.		BLANK		
63.		BLANK		
64.	Undated	Video: Control Commercial	N/A	
65.	Undated	Control Commercial (Storyboard)	N/A	

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
66.	12/12/2014	L. B. Finer and S. K. Henshaw, "Disparities in rates of unintended pregnancy in the United States, 1994 and 2001," Perspectives on Sexual and Reproductive Health 38.2 (2006): 90-96, accessed December 12, 2014 via PubMed.	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
67.	12/12/2014	LB Finer and MR Zollna, Unintended pregnancy in the United States: Incidence and disparities, 2006," Contraception 84.5 (2011):478-85, accessed December 12, 2014, doi: 10.1016/j.contraception.2011.07.013.	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
68.	2014	B. Keller, "Survey Evidence in False Advertising Cases" pages 179 — 180, in <i>Trademark and Deceptive Advertising Surveys</i> , edited by J. Swann & S. Diamond. ABA Section of Intellectual Property Law. 2014	N/A	Hearsay (FRE 802), document admissible only for a limited purpose (FRE 105)
69.	Undated	Alan Cox's Curriculum Vitae	N/A	
70.	09/11/2014	Ryan Daly Deposition Transcript Excerpts	N/A	FRCP 32(a)(3) and (4), Rule 5.A.viii of the Court's Individual Practices in Civil Cases
71.	Undated	Pregnancy Initiatives – Conception Indicator & Athos	SPD-NY 0024092-24130	
72.	Undated	Pregnancy Category Units and \$ weekly-c.xlsx" - Nielsen Answers Weekly Data for Women's Self Diagnostic Tests, The Nielsen Company. Report ID: RBOI, Run Date: 10/2/2014	N/A	
73.	04/12/2013	Stacey Feldman Deposition Exhibit No. 3 - An April 12, 2013, survey of 1,000 women ages 18-40 conducted for the First Response brand found that 95 percent of women correctly identified the definition of ovulation	N/A	
74.	05/01/2014	Email from S. Feldman to B. Fleming re Topline Reports – First Response & Clearblue TV Advertising ASI Copy Test (MRD# 14-031)	CHD00001664-1664	

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
75.	Undated	Rubinfeld, Daniel L., "Reference Guide on Multiple Regression," in Reference Manual on Scientific Evidence, Third Edition, Federal Judicial Center, National Academic Press, 2011, p. 312		Hearsay (FRE 802), lacks relevance (FRE 401, 402), document admissible only for a limited purpose (FRE 105)
76.	Undated	Studenmund, Woody, "Part II Violations of The Classical Assumptions Chapter 6 Specification: Choosing the Independent Variables Using Econometrics: A Practical Guide, 2000 Addison-Wesley, pp. 170-171	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
77.	10/02/2014	Stacey Feldman Deposition Transcript Excerpts	N/A	Rule 5.A.viii of the Court's Individual Practices in Civil Cases
78.	Undated	First Response Share of Shelf Opportunity Analysis	CHD00003192-3205 (AEO)	
79.	02/2014	Women's Health & Personal Care SBU – February 2014 Business Update	CHD00000130-132 (AEO)	
80.	04/17/2014	Email from W. Bishop to S. Feldman re Ship to Consumption Conclusions	CHD00003424 (Confidential)	
81.	01/27/2014	Email from A. Karbiwnyk to S. Feldman re Consumer Promotions: Recommended 3 Month Plan	CHD00002323-2328 (AEO)	
82.	09/20/2013	Email from M. Dadgari to S. Feldman re Don't forget to pill Walmart and Target fr pos	CHD00003303-3306 (AEO)	
83.	10/23/2013	CBE Week's Estimator Defense Plan	CHD00006688-6717 (AEO)	

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
84.	2012	"Litigation Services Handbook: The Role of the Financial Expert" Roman L. Weil, Daniel G. Lentz, David P. Hoffman John Wiley & Sons, 2012	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
85.	Undated	http://www.medicine.ox.ac.uk/bandolier/booth/glossary/statpow.html Screenshot	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
86.	Undated	Klaus Krippendorff, Content analysis: An introduction to its methodology. Sage, 2012; David Tabak, "Making Assessments About Materiality Less Subjective Through the Use of Content Analysis," 2007, available at http://www.nera.com/publications/archive/2007/making-assessments-about-materiality-less-subjective-through-the.html	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
87.	12/01/2014	Erdem Expert Report – Impact of Advertising for the Clearblue Advanced Pregnancy Test with Weeks Estimator on Church & Dwight Col., Inc.’s First Response Brand Home Pregnancy Test Kits	N/A	
88.	Undated	<i>Reference Manual on Scientific Evidence</i> , Third Edition, Federal Judicial Center National Research Council, "Reference Guide on Statistics"	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
89.	01/17/2014	Email from S. Feldman to W. Bishop & Others re Clearblue Weeks Estimator Weekly Update Data through 1.4.14	CHD00002390-2393 (AEO)	
90.	01/02/2014	Email from J. Offenbergl to S. Feldman & Others re Diagnostics December Nielsen Update	CHD00000024-25 (AEO)	
91.	04/03/2014	Email from J. Offenbergl to S. Feldman& Others re Diagnostics March Nielsen Update	CHD000000114-115 (AEO)	

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
92.	05/01/2014	Email from J. Offenbergl to S. Feldman & Others re Diagnostics - April Nielsen Update	CHD000000133-134 (AEO)	
93.	12/01/2013	Email from M. Dadgari to S. Feldman & Others re Diagnostics - November Nielsen Update	CHD000000401-402 (AEO)	
94.	12/02/2013	Email from S. Feldman to M. Dadgari & Others re Diagnostics - November Nielsen Update	CHD000000424-426 (AEO)	
95.	Undated	Market Data: xAOC WH Data Pull_AC Nielsen Data 01/07/2012 through 11/29/14	N/A	
96.	Undated	Erdem Expert Report Exhibit 5	N/A	
97.	Undated	Erdem Expert Report Exhibit 13	N/A	
98.	02/04/2014	Declaration of Stacey Feldman ISO Plaintiff's Motion for a Preliminary Injunction	N/A	
99.	Undated	Joel Steckel's Curriculum Vitae	N/A	
100.	Undated	Joe Steckel's Testimony in the Last Five Years	N/A	
101.	Undated	Clearblue Monthly Competitive Report	SPD-NY 0084158 (AEO)	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
102.	Undated	Tversky, Amos and Daniel Kahneman (1973), "Availability: A Heuristic for Judging Frequency and Probability," Cognitive Psychology, Vol. 5, No. 2, 207-32	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
103.	07/1973	Kahneman, Daniel and Amos Tversky (1973), "On the Psychology of Prediction," <i>Psychological Review</i> , 80, 237-51	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
104.	1983	Horsky, Dan and Leonard S. Simon (1984), "Advertising and the Diffusion of New Products," <i>Marketing Science</i> , Vol. 2 (Winter), 1-17)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
105.	1984	Mahajan, Vijay, Eitan Muller, and Subhash Sharma (1984), "An Empirical Comparison of Awareness Forecasting Models of New Product Introduction," <i>Marketing Science</i> , Vol. 3 (Summer), 179-197	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
106.	03/23/2009	Tschan, Franziska, Norbert K. Semmer, Andrea Gurtner, Lara Bizzari, Martin Spychiger, Marc Breuer, and Stephan U. Marsch (2009), "Explicit Reasoning, Confirmation Bias, and Illusory Transactive Memory: A Simulation Study of Group Medical Decision Making," <i>Small Group Behavior</i> , Vol. 40, No. 3, 271-300	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
107.	08/1978	Detmer, D.E., D.G. Fryback, and K. Gassner (1978), "Heuristics and Biases in Medical Decision-Making," <i>Journal of Medical Education</i> , Vol 53, 682-3	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
108.	09/27/1974	Tversky, Amos and Daniel Kahneman (1974), "Judgment Under Uncertainty: Heuristics and Biases," <i>Science</i> , New Series, Vol. 185, No. 4157. (Sep. 27), pp. 1124-1131	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
109.	04/2004	Sheffi, Yossi (2004), "RFID and the Innovation Cycle," <i>International Journal of Logistics Management</i> , Vol. 15, No. 1, 1-10	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
110.	1998	Nickerson, R.S. (1998), "Confirmation Bias: A Ubiquitous Phenomenon in Many Guises," <i>Review of General Psychology</i> , Vol. 2, 175-220	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
111.	12/01/2014	Expert Report of Kurt T. Barnhart, M.D., M.S.C.E.	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402); document admissible only for a limited purpose (FRE 105)
112.	Undated	Kurt Barnhart's Curriculum Vitae	N/A	
113.	Undated	Length of human pregnancy and contributors to its natural variation	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
114.	2012	Ultrasound Reference Chart Based on IVF Dates to Estimate Gestational Age at 6-9 weeks' Gestation	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
115.	1992	Evaluation of Measurement of Fetal Crown-Rump Length from Ultrasonically time Ovulation and Fertilization in vitro	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
116.	03/2014	Knowledge, attitudes and practices regarding conception and fertility: a population-based survey among reproductive-age United States women	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
117.	2012	Ipsos Marketing – Clearblue Ovulation & Fertility U&A 2012 – Color Copy [Same as DTX 036, 041]	N/A	
118.	12/2013	Accuracy of a home-based device for giving an early estimate of pregnancy duration compared with reference methods	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
119.	2013	Human chorionic gonadotropin as a measure of pregnancy duration	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
120.	12/15/2014	Rebuttal Report of Kurt T. Barnhart, M.D., M.S.C.E.	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
121.	12/15/2014	Prenatal assessment of gestational age and estimated date of delivery	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
122.	07/23/2009	Ectopic Pregnancy	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
123.	2002	Symptom-free women at increased risk of ectopic pregnancy: should we screen?	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
124.	05/17/2006	Management of miscarriage: expectant, medical or surgical? Results of randomised controlled trial (miscarriage treatment (MIST) trial)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
125.	07/1997	Randomised trial of expectant versus surgical management of spontaneous miscarriage	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
126.	Undated	Exhibit Q to the Expert Report of Pasquale Patrizio – Reference numbers of complaints	N/A	
127.	Undated	[http://emedicine.medscape.com] (“Gestational age (GA)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
128.	02/17/2015	[http://www.wisegeekhealth.com] ("There is a difference between fetal age and gestational age. Gestational age	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
129.	02/17/2015	http://americanpregnancy.org] ("Gestational age is the age of the pregnancy from the last normal menstrual period (LMP)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
130.	02/17/2015	http://www.countdowntopregnancy.com/answers/question.php?qid=41058.)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
131.	12/15/2014	Reply Report from Mary D. Sammel, Sc., D.,	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402);document admissible only for a limited purpose (FRE 105)
132.	01/21/2015	Pasquale Patrizio Deposition Transcript	N/A	Rule 5.A.viii of the Court's Individual Practices in Civil Cases
133.	02/17/2015	http://www.firstresponse.com/understanding-ovulation-test	N/A	Lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
134.	02/27/2015	http://decodedpregnancy.com/how-far-along-am-i-pregnancy-math/2517/	N/A	Hearsay (FRE 802); lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
135.	09/19/2014	Sarah Johnson Deposition Testimony	N/A	FRCP 32(a)(3) and (4), Rule 5.A.viii of the Court's Individual Practices in Civil Cases
136.	Undated	Stacey Feldman Deposition Exhibit 3, pp. 5509, 5521	CHD00005509; 5521 (AEO)	Incomplete document (FRE 106)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
137.	12/15/2014	Rebuttal Expert Report of Joel H. Steckel, Ph.D. w/ Exhibits	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
138.	02/16/2015	Amazon.com: Customer Reviews: First Response Early Result Pregnancy Test (One star review summary)	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
139.	12/01/2014	Report of Alan J. Cox w/Exhibits	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
140.		BLANK		
141.	12/15/2014	Expert Report of Sarah Butler w/Exhibits	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
142.	12/15/2014	Rebuttal Report of Alan J. Cox, Ph.D. w/Exhibits	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
143.	Undated	Reply Report from Mary D. Sammel, Sc., D. [Same as DTX 131]	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
144.		BLANK		
145.	Undated	http://www.clearblueeasy.com/healthcare/contact.php . – Contact Clearblue – Page not found!	N/A	
146.		BLANK		

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
147.		BLANK		
148.	02/17/2014	First Response Tracker – Android Apps on Google Screen Shot	N/A	Lacks relevance (FRE 401, 402)
149.		BLANK		
150.	Undated	Nielsen and IRI data, along with a summary sheet prepared by SPD	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402)
151.		BLANK		
152.		BLANK		
153.		BLANK		
154.		BLANK		
155.		BLANK		
156.		BLANK		
157.		BLANK		
158.		BLANK		
159.		BLANK		
160.		BLANK		
161.		BLANK		
162.		BLANK		
163.		BLANK		
164.		BLANK		
165.		BLANK		
166.		BLANK		

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
167.		BLANK		
168.		BLANK		
169.	12/27/2014	Period: Cal YR 2014 W/E 12/27/14 – Product Share Baswis: WOMENS TEST KITS (From Excel Chart, Worksheet One only)	N/A	
170.	02/16/2015	boards.weddingbee.com-topic-how-early-did-you-feel-the-symptoms-of-pregnancy Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
171.	Undated	community.babycenter.com-post-a17977775-how_many_dpo_did_you_start Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
172.	Undated	www.babygaga.com Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
173.	02/17/2015	www.clearblueeasy.com-advanced-pregnancy-test-with-weeks-estimator.php Screen Shots	N/A	
174.	02/16/2015	www.conceiveeasy.com-get-pregnant-what-does-dpo-mean Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
175.	02/16/2015	www.countdowntopregnancy.com-whatdoesDPOmean Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
176.	02/16/2015	www.countdowntopregnancy-pregnancytestdpo8days Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
177.	02/16/2015	www.fertilityfriend.com-Faqs-When-can-I-expect-Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
178.	02/16/2015	www.madeformums.com-forum-trying-to-conceive-a-day-by-day-dpo-guide Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
179.	02/16/2015	www.quora.com-I-am-4-DPO-Are-these-pregnancy-symptoms-already Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
180.	02/16/2015	www.twoweekwait.com-bfptoms-dpo-index.html Screen Shots	N/A	Hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105)
181.	Undated	Video: Advanced Pregnancy Test with Weeks Estimator Product Overview – YouTube	N/A	
182.	Undated	Video Understand the Difference Between a Weeks Estimate and Doctor's Dating – YouTube	N/A	
183.	Undated	Representation of Data for First Response Sales in the US	N/A	
184.	Undated	FeatureVision Data for Store Brands	N/A	Authenticity (FRE 901), hearsay (FRE 802), lacks relevance (FRE 401, FRE 402), document admissible only for a limited purpose (FRE 105), portions are illegible
185.	04/11/2013	Settlement Agreement between Church & Dwight and SPD	N/A	

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
186.	01/07/2013	E-mail from T. Snowden to Lisa Burns re Clearblue with Weeks Estimator (with attachment)	CHD00002874-CHD00002875	Lacks relevance (FRE 401, FRE 402)
187.	06/06/2011	E-mail from Kristin Buentello to Timothy Snowden re Update Deck for Tuesday's Meeting with Marketing	CHD00006332-CHD00006368	Lacks relevance (FRE 401, FRE 402)
188.	01/08/2013	E-mail from Wendy Bishop to Johnson Pamela, Stacey Feldman and others re Conception Indicator with TJC and Edelman (presentation included).	CHD00004051-CHD00004052	Lacks relevance (FRE 401, FRE 402)
189.	05/07/2013	E-mail from Stacey Feldman to Wendy Bishop, Timothy Snowden and J. Shaul re Clear Blue Selff Sheet ACOG	CHD00003114-CHD00003115	Lacks relevance (FRE 401, FRE 402)
190.	05/20/2013	E-mail from Timothy Snowden to Jennette Offenberg and Morvarid Dadgari re Draft Chart – Attachment: Draft CBD-FDA Comparison pptx; PG-Release 5-6-13 pdf, and K112870-Summary Decision	CHD0000742-CHD0000744	Lacks relevance (FRE 401, FRE 402)
191.	03/04/2014	E-mail from Timothy Snowden to Lisa Borak and Ovidiu Romanoschi re Project UNO Follow up, (presentation included).	CHD000007570-CHD00007572	Lacks relevance (FRE 401, FRE 402)
192.	06/06/2011	E-mail from Kristin Buentello to Timothy Snowden re Update Deck for Tuesday's Meeting with Marketing. (Attachment CD-Diagnostics Tech Update 6/7/11)	CHD00006332-CHD00006368	Lacks relevance (FRE 401, FRE 402)
193.	10/25/2013	E-mail from Ovidiu Romanoschi to Albert Nazareth and Timothy Snowden re Pregancy Test with Weeks Estimator	CHD00006755-CHD00006758	Lacks relevance (FRE 401, FRE 402)
194.	10/26/2013	E-mail from Timothy Snowden to Albert Nazareth and Ovidiu Romanoschi re Digital Pregnancy Test with Weeks estimator	CHD00006803-CHD00006804	Lacks relevance (FRE 401, FRE 402)
195.	10/31/2013	E-mail from Albert Nazareth to Timothy Snowden re Pregnancy Test with Weeks Estimator – attachment: Feasibility_tx.pptx	CHD00006879-CHD00006881	Lacks relevance (FRE 401, FRE 402)
196.	11/16/2013	E-mail from Timothy Snowden to Ovidiu Romanoschi and Albert Nazareth re Weeks Pregnancy Deck – attachment: Digital Pregnancy Test with Weeks Pregnant – 11-16-13. Pptx	CHD00002202	Lacks relevance (FRE 401, FRE 402)

DTX No.	Date	Document	Bates No.	Church & Dwight Objection
197.	11/18/2013	E-mail from Timothy Snowden to Stacey Feldman and Ovidiu Romanoschi re Potential New Pregnancy Test Projects – attachment: Digital Pregnancy Test with Weeks Pregnant – 11-16-13.pptx	CHD00002218- CHD00002221	Lacks relevance (FRE 401, FRE 402)
198.	12/10/2013	E-mail from Timothy Snowden to Albert Nazareth re First Response Game Changing PTK Projects 12.6.13_rev.pptx (attachment included)	CHD00001189- CHD00001191	Lacks relevance (FRE 401, FRE 402)
199.	03/04/2012	E-mail from Timothy Snowden to Lisa Broak, CCing Ovidiu Romanoschi re Poject UNO Follow up – attachments: Project Uno presentation dated 2/21/14 and Uno Additional Slides 2/24/14	CHD00007570- CHD00007572	Lacks relevance (FRE 401, FRE 402)
200.	01/07/2014	E-mail from Wendy Bishop to Stacey Feldman re First Response Game Changing PTK Projects Revised (presentation attached)	CHD00001500	Lacks relevance (FRE 401, FRE 402)
201.	01/17/2014	E-mail from Stacey Feldman to Wendy Bishop, Amy Karbiwnyk, and two more. re Clearblue Weeks Estimator Weekly Update Date Through 1.4.14	CHD00002390- CHD00002393	

Exhibit G

Church & Dwight Co., Inc. v. SPD Swiss Precision Diagnostics GmbH
USDC – SDNY No. 14-CV-585 (ANJ) (GWG)

SPD's Trial Exhibits

DTX No.	Date	Document	Bates No.
1.	09/12/2012	Email from D. Johnson-Lyles to L. Roberts re K112870/S001 Clearblue hold notification	SPD-NY 0002651-2661
2.	12/3/2002	US Dept. Health & Human Services Determination of Intended Use for 510(k) Devices; Guidance for CDRH Staff (Update to K98-1)	N/A
3.	10/02/2012	Email from L. Roberts to D. Johnson-Lyles re K112870/S001 Clearblue hold notification	SPD-NY 0017545-17556
4.	10/18/2012	Email from D. Johnson-Lyles to L. Roberts re K112870/S001 Clearblue hold notification	SPD-NY 0002690-2702
5.	10/24/2012	Email from S. Godbert to D. Johnson-Lyles re K112870/S001 Clearblue hold notification	SPD-NY 0002764-2770
6.	11/08/2012	Email from D. Johnson-Lyles re K112870/S001 Clearblue hold notification	SPD-NY 0002795-2801
7.	11/20/2012	Email from S. Johnson to D. Johnson-Lyles re Preview of response to section 3b received Nov 8 (Re k112870/S001)	SPD-NY 0045969-45984
8.	11/20/2012	Email from D. Johnson-Lyles to S. Johnson re Preview of response to section 3b received Nov 8 (Re k112870/S001)	SPD-NY 0002809-2811
9.	11/27/2012	Email from D. Johnson-Lyles to S. Johnson re Preview of response to section 3b received Nov 8 (Re k112870/S001)	SPD-NY 0002812-2815
10.	Undated	k112870/S001 – Clearblue Advanced Pregnancy Test with Weeks Estimator – SPD Response to FDA Hold Letter dated September 12, 2012	SPD-NY 0045912-45995
11.	12/20/2012	Ltr from A. Gutierrez, Dept. Health & Human Services, to M. Gittins re: k112870 – Trade/Device Name: Clearblue Advanced Pregnancy Test with Weeks Estimator	SPD-NY 0002615-2619
12.	Undated	Clearblue Advanced Pregnancy Test Package Labeling	SPD-NY 0019350
13.	11/12/2013	Email from L. Duan to M. Gittins re Meeting request from FDA	SPD-NY 0045685
14.	11/13/2013	Email from M. Gittins to L. Duan re Meeting request from FDA	SPD-NY0045822-45823
15.	11/22/2013	Email from M. Gittins to L. Duan re Meeting with SPD – Minutes and mitigation proposals	SPD-NY 0045693-45708
16.	12/17/2013	Memo from L. Duan to M. Gittins re SPD proposal of revised IFU for use in the case of promotional materials where space is constrained	SPD-NY 0017753-17754
17.	11/27/2013	Email from L. Duan to M. Gittins re FDA feedback to SPD's mitigation proposal	SPD-NY 0046040-46044

DTX No.	Date	Document	Bates No.
18.	12/05/2013	Email from M. Gittins to L. Duan re Clearblue Advanced Pregnancy Test with Weeks Estimator: final pack	SPD-NY 0045892-45896
19.	12/05/2013	Email from L. Duan to M. Gittins re Clearblue Advanced Pregnancy Test with Weeks Estimator: final pack	SPD-NY 0046056-46057
20.	12/05/2013	Email from M. Gittins to L. Duan re Clearblue Advanced Pregnancy Test with Weeks Estimator: final pack	SPD-NY 0045812-45814
21.	12/06/2013	Email from M. Gittins to L. Duan re box design approved	SPD-NY 0017709-17711
22.	12/23/2013	Email from M. Gittins to L. Duan re FDA feedback on SPD's proposal of a revised IFU for use in the case of promotional materials where space is constrained	SPD-NY 0045898-45902
23.	01/06/2014	Email from L. Duan to M. Gittins re Acknowledgement of FDA Feedback of 2013-12-17	N/A
24.	08/15/2013	Weeks Estimator Commercial (Storyboard)	N/A
25.	09/27/2011	Clinical Story Report: Evaluation of Clearblue Advanced Pregnancy Test "Weeks Indicator" Result Compared to Reference Measures of Gestational Age	SPD-NY 0001376-1450
26.	08/13/2012	Ltr from SPD to FDA re k112870 – Trade Name: Clearblue Advanced Pregnancy Test with Weeks Indicator	N/A
27.	Undated	Proposed Product Labeling	N/A
28.	10/10/2013	Ltr from J. Shapiro to FDA re Improper marketing by SPD Swiss Precision Diagnostics GmGH of Clearblue Advanced Pregnancy Test with Weeks Estimator	CD0000001-33
29.	11/01/2013	Ltr from J. Shapiro to FDA re Improper marketing by SPD Swiss Precision Diagnostics GmGH of Clearblue Advanced Pregnancy Test with Weeks Estimator	CD0000036-80
30.	11/01/2013	Email from J. Woods to J. Shapiro re Clearblue Weeks Estimator – Violative [sic] Conduct	CD0000034-35
31.	11/04/2013	Ltr from FDA to J. Shapiro re Response to October 10, 2013 letter	CD0000081-82
32.	Undated	Sarah Johnson's Curriculum Vitae	N/A
33.	01/20/2015	*Email from the American Journal of Obstetrics & Gynecology to C. Lees re Your Submission, W14-1099	N/A
34.	11/13/2014	Sarah Johnson Deposition Transcript Excerpts	N/A
35.	Undated	Jo Pike's Curriculum Vitae	N/A
36.	2012	Ipsos Marketing – Clearblue Ovulation & Fertility U&A 2012 [Same as DTX 041, 117]	SPD-NY 0080005-80189
37.	Undated	Tamera Mowry-Housely – Clearblue Advanced Pregnancy Test with Weeks Estimator – "The Doctors" Key Messages:	SPD-NY 0082463

DTX No.	Date	Document	Bates No.
38.	Undated	To Ensure We're on the Same Page	SPD-NY 0011717
39.	Undated	Primary Key Message	SPD-NY 0011713
40.	03/01/2013	Email from K. Suarez to V. Consorte re: PR/US Team doesn't want to "talk" ovulation	SPD-NY 0007475-7577
41.	2012	Ipsos Marketing – Clearblue Ovulation & Fertility U&A 2012 [Same as DXT 036, 117]	SPD-NY 0080005-80189
42.	12/2014	Mary Sammel's Curriculum Vitae	N/A
43.	06/23/2013	"Lightning – Frequently Asked Questions" retrieved from the National Weather Service	N/A
44.	07/07/2015	Three-sigma rule originated by M.S. Nikulin, that I retrieved online at the Encyclopedia of Mathematics (<i>available at</i> http://www.encyclopediaofmath.org/index.php?title=Three-sigma_rule&oldid=17366)	N/A
45.	Undated	Sarah Butler's Curriculum Vitae	N/A
46.	02/2015	Contact Clear Blue Screenshot Screenshots	N/A
47.	02/2015	Pregnancy Test – Clearblue Innovations ... Screenshots	N/A
48.	02/2015	Church & Dwight Brands and Products – Brand Browser Screenshots	N/A
49.	Undated	Federal Judicial Center Reference Manual on Scientific Evidence Screenshots	N/A
50.	10/24/2012	Email from K. Suarez to V. Consorte re Clearblue Diagnostic Report CMK#US12D785	SPD-NY 0074578-0074630
51.	Undated	Product Study – Main Survey	
52.	03/08/2013	Email from C. Pion to K. Suarez re US 130561 Best Friends Before Your Doctor's Visit Final Report	SPD-NY 007480-7509
53.	05/2012	Home Pregnancy Test Use Among U.S. Women – Philip Johnson Report	N/A
54.	12/01/2014	Poret's Survey Data File	N/A
55.	01/08/2014	Hal Poret Deposition Transcript Excerpts	N/A
56.	05/2012	How to Measure False Advertising in a Litigation Survey	N/A
57.	Undated	Bruce Isaacson Deposition Transcript Excerpts	N/A
58.	Undated	Cross Tabulation Tables - Exhibit 8 of Isaacson Report	N/A
59.	Undated	Cross Tabulation Tables – Created by S. Butler	N/A
60.	Undated	Video: FDA approved commercial for YouTube	N/A
61.	Undated	FDA approved commercial for YouTube (Storyboard)	N/A
62.		BLANK	
63.		BLANK	
64.	Undated	Video: Control Commercial	N/A
65.	Undated	Control Commercial (Storyboard)	N/A

DTX No.	Date	Document	Bates No.
66.	12/12/2014	L. B. Finer and S. K. Henshaw, "Disparities in rates of unintended pregnancy in the United States, 1994 and 2001," <i>Perspectives on Sexual and Reproductive Health</i> 38.2 (2006): 90-96, accessed December 12, 2014 via PubMed.	N/A
67.	12/12/2014	LB Finer and MR Zollna, Unintended pregnancy in the United States: Incidence and disparities, 2006," <i>Contraception</i> 84.5 (2011):478-85, accessed December 12, 2014, doi: 10.1016/j.contraception.2011.07.013.	N/A
68.	2014	B. Keller, "Survey Evidence in False Advertising Cases" pages 179 — 180, in <i>Trademark and Deceptive Advertising Surveys</i> , edited by J. Swann & S. Diamond. ABA Section of Intellectual Property Law. 2014	N/A
69.	Undated	Alan Cox's Curriculum Vitae	N/A
70.	09/11/2014	Ryan Daly Deposition Transcript Excerpts	N/A
71.	Undated	Pregnancy Initiatives – Conception Indicator & Athos	SPD-NY 0024092-24130
72.	Undated	Pregnancy Category Units and \$ weekly-c.xlsx" - Nielsen Answers Weekly Data for Women's Self Diagnostic Tests, The Nielsen Company. Report ID: RBOI, Run Date: 10/2/2014	N/A
73.	04/12/2013	Stacey Feldman Deposition Exhibit No. 3 - An April 12, 2013, survey of 1,000 women ages 18-40 conducted for the First Response brand found that 95 percent of women correctly identified the definition of ovulation	N/A
74.	05/01/2014	Email from S. Feldman to B. Fleming re Topline Reports – First Response & Clearblue TV Advertising ASI Copy Test (MRD# 14-031)	CHD00001664-1664
75.	Undated	Rubinfeld, Daniel L., "Reference Guide on Multiple Regression," in <i>Reference Manual on Scientific Evidence</i> , Third Edition, Federal Judicial Center, National Academic Press, 2011, p. 312	
76.	Undated	Studenmund, Woody, "Part II Violations of The Classical Assumptions Chapter 6 Specification: Choosing the Independent Variables Using Econometrics: A Practical Guide, 2000 Addison-Wesley, pp. 170-171	N/A
77.	10/02/2014	Stacey Feldman Deposition Transcript Excerpts	N/A
78.	Undated	First Response Share of Shelf Opportunity Analysis	CHD00003192-3205 (AEO)

DTX No.	Date	Document	Bates No.
79.	02/2014	Women's Health & Personal Care SBU – February 2014 Business Update	CHD00000130-132 (AEO)
80.	04/17/2014	Email from W. Bishop to S. Feldman re Ship to Consumption Conclusions	CHD00003424 (Confidential)
81.	01/27/2014	Email from A. Karbiwnyk to S. Feldman re Consumer Promotions: Recommended 3 Month Plan	CHD00002323-2328 (AEO)
82.	09/20/2013	Email from M. Dadgari to S. Feldman re Don't forget to pill Walmart and Target fr pos	CHD00003303-3306 (AEO)
83.	10/23/2013	CBE Week's Estimator Defense Plan	CHD00006688-6717 (AEO)
84.	2012	"Litigation Services Handbook: The Role of the Financial Expert" Roman L. Weil, Daniel G. Lentz, David P. Hoffman John Wiley & Sons, 2012	N/A
85.	Undated	http://www.medicine.ox.ac.uk/bandolier/booth/glossary/statpow.html Screenshot	N/A
86.	Undated	Klaus Krippendorff, Content analysis: An introduction to its methodology. Sage, 2012; David Tabak, "Making Assessments About Materiality Less Subjective Through the Use of Content Analysis," 2007, available at http://www.nera.com/publications/archive/2007/making-assessments-about-materiality-less-subjective-through-the.html	N/A
87.	12/01/2014	Erdem Expert Report – Impact of Advertising for the Clearblue Advanced Pregnancy Test with Weeks Estimator on Church & Dwight Col., Inc.'s First Response Brand Home Pregnancy Test Kits	N/A
88.	Undated	<i>Reference Manual on Scientific Evidence</i> , Third Edition, Federal Judicial Center National Research Council, "Reference Guide on Statistics"	N/A
89.	01/17/2014	Email from S. Feldman to W. Bishop & Others re Clearblue Weeks Estimator Weekly Update Data through 1.4.14	CHD00002390-2393 (AEO)
90.	01/02/2014	Email from J. Offenberg to S. Feldman & Others re Diagnostics December Nielsen Update	CHD00000024-25 (AEO)

DTX No.	Date	Document	Bates No.
91.	04/03/2014	Email from J. Offenberg to S. Feldman & Others re Diagnostics March Nielsen Update	CHD00000114-115 (AEO)
92.	05/01/2014	Email from J. Offenberg to S. Feldman & Others re Diagnostics - April Nielsen Update	CHD00000133-134 (AEO)
93.	12/01/2013	Email from M. Dadgari to S. Feldman & Others re Diagnostics - November Nielsen Update	CHD00000401-402 (AEO)
94.	12/02/2013	Email from S. Feldman to M. Dadgari & Others re Diagnostics - November Nielsen Update	CHD00000424-426 (AEO)
95.	Undated	Market Data: xAOC WH Data Pull_AC Nielsen Data 01/07/2012 through 11/29/14	N/A
96.	Undated	Erdem Expert Report Exhibit 5	N/A
97.	Undated	Erdem Expert Report Exhibit 13	N/A
98.	02/04/2014	Declaration of Stacey Feldman ISO Plaintiff's Motion for a Preliminary Injunction	N/A
99.	Undated	Joel Steckel's Curriculum Vitae	N/A
100.	Undated	Joe Steckel's Testimony in the Last Five Years	N/A
101.	Undated	Clearblue Monthly Competitive Report	SPD-NY 0084158 (AEO)
102.	Undated	Tversky, Amos and Daniel Kahneman (1973), "Availability: A Heuristic for Judging Frequency and Probability," <i>Cognitive Psychology</i> , Vol. 5, No. 2, 207-32	N/A
103.	07/1973	Kahneman, Daniel and Amos Tversky (1973), "On the Psychology of Prediction," <i>Psychological Review</i> , 80, 237-51	N/A
104.	1983	Horsky, Dan and Leonard S. Simon (1984), "Advertising and the Diffusion of New Products," <i>Marketing Science</i> , Vol. 2 (Winter), 1-17)	N/A
105.	1984	Mahajan, Vijay, Eitan Muller, and Subhash Sharma (1984), "An Empirical Comparison of Awareness Forecasting Models of New Product Introduction," <i>Marketing Science</i> , Vol. 3 (Summer), 179-197	N/A
106.	03/23/2009	Tschan, Franziska, Norbert K. Semmer, Andrea Gurtner, Lara Bizzari, Martin Spychiger, Marc Breuer, and Stephan U. Marsch (2009), "Explicit Reasoning, Confirmation Bias, and Illusory Transactive Memory: A Simulation Study of Group Medical Decision Making," <i>Small Group Behavior</i> , Vol. 40, No. 3, 271-300	N/A

DTX No.	Date	Document	Bates No.
107.	08/1978	Detmer, D.E., D.G. Fryback, and K. Gassner (1978), "Heuristics and Biases in Medical Decision-Making," <i>Journal of Medical Education</i> , Vol 53, 682-3	N/A
108.	09/27/1974	Tversky, Amos and Daniel Kahneman (1974), "Judgment Under Uncertainty: Heuristics and Biases," <i>Science</i> , New Series, Vol. 185, No. 4157. (Sep. 27), pp. 1124-1131	N/A
109.	04/2004	Sheffi, Yossi (2004), "RFID and the Innovation Cycle," <i>International Journal of Logistics Management</i> , Vol. 15, No. 1, 1-10	N/A
110.	1998	Nickerson, R.S. (1998), "Confirmation Bias: A Ubiquitous Phenomenon in Many Guises," <i>Review of General Psychology</i> , Vol. 2, 175-220	N/A
111.	12/01/2014	Expert Report of Kurt T. Barnhart, M.D., M.S.C.E.	N/A
112.	Undated	Kurt Barnhart's Curriculum Vitae	N/A
113.	Undated	Length of human pregnancy and contributors to its natural variation	N/A
114.	2012	Ultrasound Reference Chart Based on IVF Dates to Estimate Gestational Age at 6-9 weeks' Gestation	N/A
115.	1992	Evaluation of Measurement of Fetal Crown-Rump Length from Ultrasonically time Ovulation and Fertilization in vitro	N/A
116.	03/2014	Knowledge, attitudes and practices regarding conception and fertility: a population-based survey among reproductive-age United States women	N/A
117.	2012	Ipsos Marketing – Clearblue Ovulation & Fertility U&A 2012 – Color Copy [Same as DTX 036, 041]	N/A
118.	12/2013	Accuracy of a home-based device for giving an early estimate of pregnancy duration compared with reference methods	N/A
119.	2013	Human chorionic gonadotropin as a measure of pregnancy duration	N/A
120.	12/15/2014	Rebuttal Report of Kurt T. Barnhart, M.D., M.S.C.E.	N/A
121.	12/15/2014	Prenatal assessment of gestational age and estimated date of delivery	N/A
122.	07/23/2009	Ectopic Pregnancy	N/A
123.	2002	Symptom-free women at increased risk of ectopic pregnancy: should we screen?	N/A
124.	05/17/2006	Management of miscarriage: expectant, medical or surgical? Results of randomised controlled trial	N/A

DTX No.	Date	Document	Bates No.
		(miscarriage treatment (MIST) trial)	
125.	07/1997	Randomised trial of expectant versus surgical management of spontaneous miscarriage	N/A
126.	Undated	Exhibit Q to the Expert Report of Pasquale Patrizio – Reference numbers of complaints	N/A
127.	Undated	[http://emedicine.medscape.com] (“Gestational age (GA)	N/A
128.	02/17/2015	[http://www.wisegeekhealth.com] (“There is a difference between fetal age and gestational age. Gestational age	N/A
129.	02/17/2015	http://americanpregnancy.org] (“Gestational age is the age of the pregnancy from the last normal menstrual period (LMP)	N/A
130.	02/17/2015	http://www.countdowntopregnancy.com/answers/question.php?qid=41058.)	N/A
131.	12/15/2014	Reply Report from Mary D. Sammel, Sc., D.,	N/A
132.	01/21/2015	Pasquale Patrizio Deposition Transcript	N/A
133.	02/17/2015	http://www.firstresponse.com/understanding-ovulation-test	N/A
134.	02/27/2015	http://decodedpregnancy.com/how-far-along-am-i-pregnancy-math/2517/	N/A
135.	09/19/2014	Sarah Johnson Deposition Testimony	N/A
136.	Undated	Stacey Feldman Deposition Exhibit 3, pp. 5509, 5521	CHD00005509; 5521 (AEO)
137.	12/15/2014	Rebuttal Expert Report of Joel H. Steckel, Ph.D. w/ Exhibits	N/A
138.	02/16/2015	Amazon.com: Customer Reviews: First Response Early Result Pregnancy Test (One star review summary)	N/A
139.	12/01/2014	Report of Alan J. Cox w/Exhibits	N/A
140.		BLANK	
141.	12/15/2014	Expert Report of Sarah Butler w/Exhibits	N/A
142.	12/15/2014	Rebuttal Report of Alan J. Cox, Ph.D. w/Exhibits	N/A

DTX No.	Date	Document	Bates No.
143.	Undated	Reply Report from Mary D. Sammel, Sc., D. [Same as DTX 131]	N/A
144.		BLANK	
145.	Undated	http://www.clearblueeasy.com/healthcare/contact.php . – Contact Clearblue – Page not found!	N/A
146.		BLANK	
147.		BLANK	
148.	02/17/2014	First Response Tracker – Android Apps on Google Screen Shot	N/A
149.		BLANK	
150.	Undated	Nielsen and IRI data, along with a summary sheet prepared by SPD	N/A
151.		BLANK	
152.		BLANK	
153.		BLANK	
154.		BLANK	
155.		BLANK	
156.		BLANK	
157.		BLANK	
158.		BLANK	
159.		BLANK	
160.		BLANK	
161.		BLANK	
162.		BLANK	
163.		BLANK	
164.		BLANK	
165.		BLANK	
166.		BLANK	
167.		BLANK	
168.		BLANK	

DTX No.	Date	Document	Bates No.
169.	12/27/2014	Period: Cal YR 2014 W/E 12/27/14 – Product Share Baswis: WOMENS TEST KITS (From Excel Chart, Worksheet One only)	N/A
170.	02/16/2015	boards.weddingbee.com-topic-how-early-did-you-feel-the-symptoms-of-pregnancy Screen Shots	N/A
171.	Undated	community.babycenter.com-post-a17977775-how_many_dpo_did_you_start Screen Shots	N/A
172.	Undated	www.babygaga.com Screen Shots	N/A
173.	02/17/2015	www.clearblueeasy.com-advanced-pregnancy-test-with-weeks-estimator.php Screen Shots	N/A
174.	02/16/2015	www.conceiveeasy.com-get-pregnant-what-does-dpo-mean Screen Shots	N/A
175.	02/16/2015	www.countdowntopregnancy.com-whatdoesDPOmean Screen Shots	N/A
176.	02/16/2015	www.countdowntopregnancy-pregnancytestdpo8days Screen Shots	N/A
177.	02/16/2015	www.fertilityfriend.com-Faqs-When-can-I-expect- Screen Shots	N/A
178.	02/16/2015	www.madeformums.com-forum-trying-to-conceive-a-day-by-day-dpo-guide Screen Shots	N/A
179.	02/16/2015	www.quora.com-I-am-4-DPO-Are-these-pregnancy-symptoms-already Screen Shots	N/A
180.	02/16/2015	www.twoweekwait.com-bfptoms-dpo-index.html Screen Shots	N/A
181.	Undated	Video: Advanced Pregnancy Test with Weeks Estimator Product Overview – YouTube	N/A
182.	Undated	Video Understand the Difference Between a Weeks Estimate and Doctor's Dating – YouTube	N/A
183.	Undated	Representation of Data for First Response Sales in the US	N/A
184.	Undated	*FeatureVision Data for Store Brands	N/A
185.	04/11/2013	Settlement Agreement between Church & Dwight and SPD	N/A
186.	01/07/2013	E-mail from T. Snowden to Lisa Burns re Clearblue with Weeks Estimator (with attachment)	CHD00002874-CHD00002875
187.	06/06/2011	E-mail from Kristin Buentello to Timothy Snowden re Update Deck for Tuesday's Meeting with Marketing	CHD00006332-CHD00006368

DTX No.	Date	Document	Bates No.
188.	01/08/2013	E-mail from Wendy Bishop to Johnson Pamela, Stacey Feldman and others re Conception Indicator with TJC and Edelman (presentation included).	CHD00004051- CHD00004052
189.	05/07/2013	E-mail from Stacey Feldman to Wendy Bishop, Timothy Snowden and J. Shaul re Clear Blue Selff Sheet ACOG	CHD00003114- CHD00003115
190.	05/20/2013	E-mail from Timothy Snowden to Jennette Offenbergl and Morvarid Dadgari re Draft Chart – Attachment: Draft CBD-FDA Comparison pptx; PG-Release 5-6-13 pdf, and K112870-Summary Decision	CHD0000742- CHD0000744
191.	03/04/2014	E-mail from Timothy Snowden to Lisa Borak and Ovidiu Romanoschi re Project UNO Follow up, (presentation included).	CHD000007570- CHD00007572
192.	06/06/2011	E-mail from Kristin Buentello to Timothy Snowden re Update Deck for Tuesday's Meeting with Marketing. (Attachment CD-Diagnostics Tech Update 6/7/11)	CHD00006332- CHD00006368
193.	10/25/2013	E-mail from Ovidiu Romanoschi to Albert Nazareth and Timothy Snowden re Pregancy Test with Weeks Estimator	CHD00006755- CHD00006758
194.	10/26/2013	E-mail from Timothy Snowden to Albert Nazareth and Ovidiu Romanoschi re Digital Pregnancy Test with Weeks estimator	CHD00006803- CHD00006804
195.	10/31/2013	E-mail from Albert Nazareth to Timothy Snowden re Pregnancy Test with Weeks Estimator – attachment: Feasibility_tx.pptx	CHD00006879- CHD00006881
196.	11/16/2013	E-mail from Timothy Snowden to Ovidiu Romanoschi and Albert Nazareth re Weeks Pregnancy Deck – attachment: Digital Pregnancy Test with Weeks Pregnant – 11-16-13. pptx	CHD00002202
197.	11/18/2013	E-mail from Timothy Snowden to Stacey Feldman and Ovidiu Romanoschi re Potential New Pregnancy Test Projects – attachment: Digital Pregnancy Test with Weeks Pregnant – 11-16-13.pptx	CHD00002218- CHD00002221
198.	12/10/2013	E-mail from Timothy Snowden to Albert Nazareth re First Response Game Changing PTK Projects 12.6.13_rev.pptx (attachment included)	CHD00001189- CHD00001191
199.	03/04/2012	E-mail from Timothy Snowden to Lisa Broak, CCing Ovidiu Romanoschi re Poject UNO Follow up – attachments: Project Uno presentation dated 2/21/14 and Uno Additional Slides 2/24/14	CHD00007570- CHD00007572
200.	01/07/2014	E-mail from Wendy Bishop to Stacey Feldman re First Response Game Changing PTK Projects Revised (presentation attached)	CHD00001500
201.	01/17/2014	E-mail from Stacey Feldman to Wendy Bishop, Amy	CHD00002390-

DTX No.	Date	Document	Bates No.
		Karbiwnyk, and two more. re Clearblue Weeks Estimator Weekly Update Date Through 1.4.14	CHD00002393

PTX No.	Date	Document	Bates No.
12.	01/29/2015	Selected printouts of the content posted by SPD on its Clearblue Facebook page. Image of a video of Commercial that could be played on the Clearblue Facebook page. [Same as DTX 087]	N/A
25.	July 2010	AcuPOLL Research, Inc. Final Report for C&D. "Project Meyer Lake." July 2010. Research to access consumer reactions to 29 new product ideas termed "seedlings" for home pregnancy test kits. Research conducted via the internet, with a sample of 1007 women, age 25-39 .	CHD00006469 – CHD00006529 (AEO)
26.	July 2011	AcuPOLL Research. final Report. July 2011. Further research Project to quantify the appeal of 6 new Response ideas versus 1 Clearblue Easy product to determine if ideas are worth exploring.	CHD00006469 – CHD00006529 (AEO)
27.	April 2014	Clearblue Ad Test – Ipsos ASI, the Advertising Research Specialists. To Assess consumer responses to the Commercial.	CHD00006200-00006260 (AEO)
29.	Undated	Table showing First Response annual market share from 2001 through 2011. The table shows the IRI and Nielsen data reported to C&D.	N/A
30.	Undated	Table showing the percentage change as compared on the previous year, in monthly unit sales for First Response, Clearblue, and the home pregnancy test kit category from 5/2012 to 5/2014.	N/A
31.	Undated	Table showing Nielsen Dollar, unit sales and market share data for First Response, Clearblue and the Weeks Estimator at Walmart.	N/A
32.	Undated	Table showing Nielsen Dollar, unit sales and market share data for First Response, Clearblue and the Weeks Estimator at Target.	N/A
50.	October 2014	Article from The American College of Obstetricians and Gynecologists. Committee Opinion. Number 611 – October 2014. "Method for Estimating Due Date."	N/A
51.	08/28/2013	Article from the International Journal of Gynecology and Obstetrics. Written by John Larsen, Philip Buchanan, Sarah Johnson, Sonya Godbert and Michael Zinaman. Clinical Article: "Human chorionic gonadotropin as a measure of pregnancy duration. [Same as DTX 119]	N/A

PTX No.	Date	Document	Bates No.
52.	01/24/203	E-mail from J. Pike to V. Consorte and E. Corredoira re CB9 Imedia Design	SPD-NY 0066955
53.	05/04/2011	SPD Advisory Board Meeting – Summary Report.	SPD-NY 0082480 – 0082496
54.	10/17/2013	US Advisory Board Meeting – Summary Report .	SPD-NY 0082497 – 0082516
56.	09/01/1965	ACOG – Terminology Bulletin – Terms Used in Reference to the Fetus	N/A
57.	Undated	Statement on Contraceptive Methods – the American College of Obstetricians and Gynecologists. Women's Health Care Physicians.	N/A
58.	06/12/2014	American College of Obstetricians and Gynecologists. <i>"Facts are Important – Emergency Contraception and Intrauterine Devices are Not Abortifacients."</i>	N/A
59.	02/21/2013	E-mail from Sarah List to K. Suarez and others regarding attachment of Clearblue FY 13/14 Planning Meeting Recap from 2/19/13.	SPD-NY 0010610 – 0010617
60.	08/08/2013	Article: Knowledge, attitudes, and practices regarding conception and fertility: a population-based survey among reproductive-age United States Women. By Lisbet Lundsberg, Ph.D, Lubna Pal, et al.	N/A
61.	August 2012	Study performed by Ipsos Marketing for SPD. <i>Clearblue Ovulation & Fertility U&A 2012</i> . [Same as DTXs 036, 041 and 117]	SPD-NY 0080005 – 0080189
63.	09/12/2012	Memo from Denise Johnson-Lyles to The record of k112870/S001; Clearblue Advanced Pregnancy Test with Weeks Indicator. Summarizing internal meeting held on 9/12/12.	SPD-NY 0056334 - 0056335
64.	12/04/2011	21 pages excerpt from M. Gittins deposition, volume 2, taken 12/4/11. Selected testimony: "Abbreviated conclusion for reporting that women were using the product to track the progression of their pregnancy." Pages: 279-285, 306, 329-331, 353-356, 362, 365, 399-401, and 424.	N/A
66.	Undated	A compilation of 280 consumer complaints selected by Patrizio showing that women were using the product to track the progression of their pregnancy.	SPD-NY 0082673 – 0084124
69.	01/26/2012	SPD US Advisory Board Meeting – Summary Report.	SPD-NY 0082541 – 0082577
77.	Undated	Storyboard for Control Commercial [Same as DTX 065]	N/A
91.	August 2014	ORC International. Pregnancy Test Kit Survey – Screener.	N/A

Exhibit H

Trial Exhibit #	Bates Range	Doc Date	Description	Objections (* denotes authenticity objection)
PTX 001		12/10/2012	FDA Clearance Letter for Clearblue Advanced Pregnancy Test with Weeks Estimator (k112870)	
PTX 002			Clearblue Advanced Pregnancy Test with Weeks Estimator Instructions for Use	
PTX 003			Images of Original Clearblue Advanced Digital Pregnancy with Test Weeks Estimator Box	
PTX 004			Images of Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Box	
PTX 005		8/26/2013	Storyboard for Original Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial	*; FRE 602; 801-802; 1002-1003
PTX 006			Video for Original Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial	
PTX 007			Storyboard for Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial	*; FRE 801-802; 1002-1003
PTX 008			Video for Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial	
PTX 009			Youtube Video for Revised Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Commercial with Indications for Use	
PTX 010			Tamera Mowry-Housley appearance on The Doctors	*; FRE 401-402
PTX 011		11/4/2013	Clearblue Facebook Post with Video - https://www.facebook.com/video.php?v=10101416719165400&set=vb.252928744767136&type=2&theater	FRE 401-402; FRE 602; FRE 801-802
PTX 012		8/28/2013	Clearblue Facebook Post with Link to Time Heathland Article - https://www.facebook.com/Clearblue/photos/a.253125118080832.60265.252928744767136/560519657341375/?type=1&theater	FRE 401-402; FRE 602; FRE 801-802
PTX 013		9/23/2013	Clearblue Facebook Post with Original Box Image - https://www.facebook.com/Clearblue/photos/a.253125118080832.60265.252928744767136/572293492830658/?type=1&theater	FRE 401-402; FRE 602; FRE 801-802
PTX 014		9/23/2013	Clearblue Facebook Post with Test Image - https://www.facebook.com/Clearblue/photos/a.253125118080832.60265.252928744767136/572292596164081/?type=1&permPage=1	FRE 401-402; FRE 602; FRE 801-802
PTX 015		12/29/2013; 11/15/2013; 11/7/2013	Clearblue Twitter Posts - https://twitter.com/Clearblue/status/417467575866765312 ; https://twitter.com/Clearblue/status/401394178745442304 ; https://twitter.com/Clearblue/status/398623409883844608/photo/1	FRE 401-402; FRE 602; FRE 801-802
PTX 016		12/6/2013	"How Many Pregnancy Tests Did You Burn Through?" post from No Sleep Til College blog - http://www.nosleeptilcollege.com/pregnancy/clearblue-pregnancy-weeks-estimator-reviews/	*; FRE 401-402; FRE 602; FRE 801-802

PTX 017		11/11/2013	Clearblue Pregnancy Test with Weeks Estimaor Website (http://www.clearblueeasy.com/advanced-pregnancy-test-with-weeks-estimator.php)	
PTX 018			Image of Clearblue Shelf Trays from Complaint	
PTX 019			Image of Walgreens Ad for Clearblue Advanced with Weeks Estimator	
PTX 020			Image of Walmart Ad for Clearblue Advanced Digital Pregnancy Test with Weeks Estimator	
PTX 021		9/24/2013	Screenshot of Walmart Website page for Clearblue Advanced Digital Pregnancy Test, 3 Count - http://www.walmart.com/ip/Clearblue-Advanced-Digital-Pregnancy-Test-3-count/25508417	
PTX 022			Clearblue Web Banner	
PTX 023			Clearblue Web Banner for CVS Pharmacy	
PTX 024			Clearblue Web Banner	
PTX 025	CHD00006469 - CHD00006529	7/1/2010	AcuPOLL Research Final Report for Church & Dwight Project Meyer Lake	FRE 401-402; FRE 801-802
PTX 026	CHD00006552 - CHD00006680	7/1/2011	AcuPOLL Research Final Report for Church & Dwight Project McCallister Lake	FRE 401-402; FRE 801-802
PTX 027	CHD00006200 - CHD00006260	4/1/2014	Ipsos ASI Clearblue Ad Test Presentation	FRE 401-402; FRE 801-802
PTX 028			Total U.S. AOC Nielsen Spreadsheet	FRE 801-802
PTX 029			Historical Share Chart for Clearblue and First Response from 2001 to 2011	FRE 401-402; FRE 602; FRE 703; FRE 801-802
PTX 030			Total U.S. AOC Unit%Change vs. Yago Spreadsheet 05/19/2012 - 05/17/2014	FRE 401-402; FRE 602; FRE 703; FRE 801-802
PTX 031			Walmart Total US Spreadsheet 1/21/2012 - 9/20/2014	FRE 401-402; FRE 602; FRE 703; FRE 801-802
PTX 032			Target Total US Spreadsheet 1/21/2012 - 9/20/2014	FRE 401-402; FRE 602; FRE 703; FRE 801-802

PTX 033		4/11/2013	Settlement Agreement between Church & Dwight and Alere and SPD Swiss Precision Diagnostics	FRE 106; 1002-1003
PTX 034		8/23/2013	Letter from Brophy to Alere & SPD Swiss Precision Diagnostics re Settlement Agreement and newly launched Clearblue advertising claims	
PTX 035		9/19/2013	Letter from SPD to Church & Dwight providing response to August 23, 2013 letter	
PTX 036		9/25/2013	Letter from Brophy to Rogers providing response to September 19, 2013 letter	
PTX 037		10/1/2013	Letter from Rogers to Brophy providing response to September 25, 2013 letter	
PTX 038		10/4/2013	Letter from Mervis to JAMS enclosing Church & Dwight's Demand for Arbitration Before JAMS	
PTX 039		11/19/2013	Email from Greer to Mervis attaching Clearblue Carton image submitted to FDA on November 29, 2012	
PTX 040		11/22/2013	Letter from Mervis to Judge Lifland (JAMS arbitrator) enclosing Church & Dwight's Opening Brief and Exhibits in Support of Motion for Summary Disposition	
PTX 041		11/22/2013	SPD Swiss Precision Diagnostics, Alere and Alere Switzerland's Confidential Opening Brief in Support of Summary Disposition	
PTX 042		12/3/2013	Letter from Mervis to Judge Lifland (JAMS arbitrator) enclosing Church & Dwight's Reply Brief and Exhibits in Support of Motion for Summary Disposition	
PTX 043		12/3/2013	SPD Swiss Precision Diagnostics, Alere and Alere Switzerland's Confidential Responsive Brief in Support of Summary Disposition	
PTX 044		12/6/2013	Letter from Knowles to Judge Lifland (JAMS arbitrator) re issues raised in C&D's Responsive Brief	
PTX 045		12/9/2013	Letter from Mervis to Judge Lifland (JAMS arbitrator) responding to 12/6/2013 SPD Letter	
PTX 046		1/29/2014	JAMS Award granting permission to C&D to file litigation	
PTX 047		1/1/2015	Curriculum Vitae of Pasquale Patrizio	
PTX 048			"High Rates of Embryo Wastage with Use of Assisted Reproductive Technology: A Look at the Trends Between 1995 and 2001 in the United States" by Kovalesky, <u>Fertility and Sterility</u>	FRE 801-802
PTX 049			"The Role of the Endometrium and Embryo in Human Implantation" by Diedrich, <u>Human Reproduction Update</u>	FRE 801-802
PTX 050			"Method for Estimating Due Date," ACOG Committee Opinion, No. 611, October 2014	
PTX 051		8/28/2013	"Human Chorionic Gonadotropin as a Measure of Pregnancy Duration" by Larsen, <u>International Journal of Gynecology and Obstetrics</u>	
PTX 052	SPD-NY 0066955 - SPD-NY 0066956	1/24/2013	Email from Pike to Consorte, CCing Corredoira, Subject: CB9 Imedia Design	
PTX 053	SPD-NY 0082480 - SPD-NY 0082496	5/4/2011	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report	FRE 401-402; 801-802

PTX 054	SPD-NY 0082497 - SPD-NY 0082516	10/17/2013	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report	FRE 401-402; 801-802
PTX 055	SPD-NY 0001376 - SPD-NY 0001450	9/27/2011	Clinical Study Report: Evaluation of Clearblue Advanced Pregnancy Test "Weeks Estimator" Result Compared to Reference Measures of Gestational Age	
PTX 056		9/1/1965	"Terms Used in Reference to the Fetus," <u>ACOG Terminology Bulletin</u> , September 1965	FRE 401-402; 801-802
PTX 057		7/1/1998	ACOG Statement of Contraceptive Methods	FRE 401-402; 801-802
PTX 058		6/12/2014	ACOG "Facts are Important, Emergency Contraception (EC) and Intrauterine Devices (IUDs) are Not Abortifacients"	FRE 401-402; 801-802
PTX 059	SPD-NY 0010610 - SPD-NY 0010617	2/21/2013	Email from List to Suarez, Sullivan, Minniear, and Iasilli, CCing Hoytt, Scull, Dewald, and Killinger, Subject: Clearblue FY 13/14 Planning Meeting Recap, with attachment	*; FRE 401-402; 602; 801-802
PTX 060		3/1/2014	"Knowledge, Attitudes, and Practices Regarding Conception and Fertility: A Population-Based Survey Among Reproductive-Age United States Women" by Lundsberg, <u>Fertility and Sterility</u>	FRE 801-802
PTX 061	SPD-NY 0080005 - SPD-NY 0080189	8/1/2012	Ipsos Marketing Presentation, "Clearblue Ovulation & Fertility U&A 2012"	
PTX 062	SPD-NY 0007475 - SPD-NY 0007479	3/1/2013	Email from Suarez to Consorte and Pike, CCing Gittins and Daly, Subject: How to Use Videos - Scripts for Your Input	
PTX 063	SPD-NY 0056334 - SPD-NY 0056335	9/12/2012	Memo from Johnson-Lyles to Record of k112870/S001, Re: Internal Meeting - SE with Limitations	

PTX 064		12/4/2014	Mark Gittins Deposition Excerpts, pages 258, 278-285, 306, 329-331, 353-354, 356, 362, 365, 399-401 and 424	This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 065	SPD-NY 0082708 - SPD-NY 0082717	8/17/2009	SPD Customer Complaint Log	FRE 401-402; 801-802
PTX 066	SPD-NY 0082673 - SPD-NY 0084124	9/29/2010	SPD Customer Complaint Log	FRE 401-402; 801-802
PTX 067	SPD-NY 0049447 - SPD-NY 0049449	1/2/2014	Email from Gittins to Cowell and Kasidas-Neale, CCing Roberts, Subject: CB9 Product Complaints relating to Weeks Estimator feature, with attachment	FRE 401-402; 801-802

PTX 068		10/1/1990	"Emergency Department Diagnosis of Ectopic Pregnancy" by Stovall, <u>Annals of Emergency Medicine</u>	FRE 401-402; 801-802
PTX 069	SPD-NY 0082541 - SPD-NY 0082577	1/26/2012	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report	FRE 801-802
PTX 070	SPD-NY 0011795 - SPD-NY 0011797	10/7/2013	Email from Linton to Suarez and Minnear, CCing Vuturo, Subject: WE Comment on the Facebook Wall	FRE 401-402; 602; 801-802
PTX 071	SPD-NY 0081036 - SPD-NY 0081037	9/3/2014	Email from Linton to McNeil, Subject: Clearblue Adverse Comments Report.xlsx, with attachment	FRE 401-402; 602; 801-802
PTX 072	SPD-NY 0007794 - SPD-NY 0007796	4/18/2013	Email from Ronas to Cutajar, CCing Daly, Subject: NACDS	FRE 401-402; 602; 801-802
PTX 073	SPD-NY 0082517 - SPD-NY 0082540	12/11/2012	SPD Swiss Precision Diagnostics US Advisory Board Meeting Summary Report	FRE 401-402; 801-802

				This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 074		1/22/2015	Kurt Barnhart Deposition Excerpts, pages 1, 17, 227-231	
PTX 075		11/1/2014	Curriculum Vitae of Bruce Isaacson	
PTX 076			Storyboard & Script for Test Commercial from Issacson Survey, Exhibit 2 to Isaacson Expert Report,	
PTX 077			Storyboard & Script for Control Commercial from Issacson Survey, Exhibit 2 to Isaacson Expert Report,	FRE 401-403
PTX 078		1/1/2014	Interviewer Instructions from Issacson Survey, Exhibit 5 to Isaacson Expert Report	FRE 401-402
PTX 079		1/1/2014	Testing Product Survey Screener from Issacson Survey, Exhibit 3 to Isaacson Expert Report	FRE 401-402
PTX 080		1/1/2014	Notes on Demographic Quotas from Issacson Survey, Exhibit 4 to Isaacson Expert Report	FRE 401-402
PTX 081		1/1/2014	Testing Product Validation Questionnaire from Issacson Survey, Exhibit 6 to Isaacson Expert Report	FRE 401-402
PTX 082			All Responses from All Respondents from Issacson Survey, Exhibit 7 to Isaacson Expert Report	FRE 401-403; FRE 602; FRE 801-802
PTX 083			Cross Tabulation Tables from Issacson Survey, Exhibit 8 to Isaacson Expert Report	FRE 401-403; FRE 602; FRE 801-802
PTX 084			Testing Product Study Verbatim Code Sheet from Issacson Survey, Exhibit 9 to Isaacson Expert Report	FRE 401-403; FRE 602; FRE 801-802

PTX 085			Chart containing sample verbatim comments from respondents to Isaacson Survey	FRE 401-403; FRE 602; FRE 801-802
PTX 086			Curriculum Viate of Hal Poret	FRE 401-402
PTX 087			Images of Box Panels for Control and Test versions of Old Clearblue Weeks Estimator Packages used in Poret Survey	FRE 401-402
PTX 088			Images of Box Panels for Control and Test versions of New Clearblue Weeks Estimator Packages used in Poret Survey	FRE 401-402
PTX 089			Control Cell Verbatim Responses for Old Package Control Group 1 from Poret Survey, Appendix H to Poret Expert Report	FRE 401-403; FRE 602; FRE 801-802
PTX 090			Control Cell Verbatim Responses for New Package Control Group 1 from Poret Survey, Appendix H to Poret Expert Report	FRE 401-403; FRE 602; FRE 801-802
PTX 091		8/1/2014	Pregnancy Test Kit Survey Screener from Poret Survey, Appendix B to Poret Expert Report	FRE 401-402
PTX 092			Hand Card shown to Respondents from Poret Survey	FRE 401-402
PTX 093			Field Instructions from Poret Survey, Appendix C to Poret Expert Report	FRE 401-402
PTX 094			Validation Questionnaire from Poret Survey, Appendix D to Poret Expert Report	FRE 401-402
PTX 095			Test Cell Verbatim Responses for Old Package Control Group 1 from Poret Survey	FRE 401-403; FRE 602; FRE 801-802
PTX 096			Spreadsheet containing Full Data Set of All Respondent's Answers to All Questions from Poret Survey, Appendix G to Poret Expert Report	FRE 401-403; FRE 602; FRE 801-802
PTX 097			Test Cell Verbatim Responses for New Package Control Group 1 from Poret Survey	FRE 401-403; FRE 602; FRE 801-802
PTX 098			List of Documents Review by Dr. Tulin Erdem	FRE 401-402
PTX 099			Curriculum Viate of Tulin Erdem	FRE 401-402
PTX 100	SPD-NY 0021552 - SPD-NY 0021588	2/26/2013	Email from Cutajar to Corp and Overton, CCing Daly, Cutajar, and Mccracken, Subject: March 2013 GBP - Clearblue Advanced Pregnancy Test with Weeks Estimator (SILVER), with attachments	FRE 401-403; FRE 602; FRE 801-802
PTX 101	SPD-NY 0030078 - SPD-NY 0030083	3/19/2013	Email from Lee to Suarez, CCing Iasilli, Subject: Slide Needs for Riccardo Mtg, with attachments	FRE 401-403; FRE 602; FRE 801-802
PTX 102	SPD-NY 0018163 - SPD-NY 0018166	11/19/2013	Email from Minnear to Minniear, Guitart, Daly, Consorte, Foster, Pike, Iasilli, Cutajar, Page, Meinhardt, Killinger, Sullivan, Harrigan, Nenon, Linton, Suarez, Hoytt, Koutoulakis, Adams, Lockwood, Tomasi, Jarrett, Potorski, Mccracken, Wopfner, Colacchia, Stevenson, Pion, Scaife, Trampe, Anwar, Vuturo, Millicent, Hardie and Hiragapinol, Subject: SPD Monthly Letter - October, with attachment	

PTX 103	SPD-NY 0024224 - SPD-NY 0024268	4/9/2013	Walgreens Clearblue Innovation Center Presentation	FRE 401-403; FRE 602; FRE 801-802
PTX 104		9/11/2014	Ryan Daly Deposition Excerpts, pages 1, 271-273, 344-346	This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 105	SPD-NY 0014611 - SPD-NY 0014612	12/19/2013	Email from Guitart to Giulia, Scaife, Tong and Pike, Subject: FW, with attachment (Clearblue_Mid-Year Infographic_FINAL.pdf)	
PTX 106	SPD-NY 0021473 - SPD-NY 0021493		Consumer/Shopper Behaviour Presentation	FRE 401-402

PTX 107	SPD-NY 0025088 - SPD-NY 0025091	10/11/2013	Email from Minnear to Minniear, Guitart, Daly, Consorte, Foster, Pike, Iasilli, Cutajar, Page, Meinhardt, Killinger, Sullivan, Harrigan, Nenon, Linton, Suarez, Hoytt, Koutoulakis, Adams, Lockwood, Tomasi, Jarrett, Potorski, Mccracken, Wopfner, Colacchia, Stevenson, Pion, Scaife, Trampe, Anwar, Vuturo, Millicent, Hardie and Hiragapinol, Subject: SPD Monthly Letter - September, with attachment	
PTX 108	SPD-NY 0078256 - SPD-NY 0078258	12/23/2013	Email from Wopfner to Minnear, Subject: SPD Monthly Letter - November, with attachment	
PTX 109	SPD-NY 0018155 - SPD-NY 0018157	1/16/2014	Email from Minnear to Minniear, Guitart, Daly, Consorte, Foster, Pike, Iasilli, Cutajar, Page, Meinhardt, Killinger, Sullivan, Harrigan, Nenon, Linton, Suarez, Hoytt, Koutoulakis, Adams, Lockwood, Tomasi, Jarrett, Potorski, Mccracken, Wopfner, Colacchia, Stevenson, Pion, Scaife, Trampe, Anwar, Vuturo, Millicent, Hardie and Hiragapinol, Subject: SPD Monthly Letter - December, with attachment	
PTX 110	SPD-NY 0075928 - SPD-NY 0075975	3/20/2013	Email from Pion to Consorte, Pike, Moore, Suarez, Daly, Rizk, Bussolari, Yacoubian, Tidy and King, Subject: Follow-up on TV copy test - CB8 US, with attachment	
PTX 111	SPD-NY 0007480 - SPD-NY 0007509	3/8/2013	Email from Pion to Suarez, Daly, Guitart, Moora, Pike, Rizk, Bussolari, Lagarde, Bildirgen, Meneguzzo, Yacoubian and Moss, CCing Consorte, Subject: CB9 TV copy qualified for US!!!, with attachment	
PTX 112	SPD-NY 0038887 - SPD-NY 0039157	6/2/2013	Email from Pike to Scaife, Subject: Kano work on Pregnancy, with attachments	FRE 401-402; 801-802
PTX 113	SPD-NY 0065938 - SPD-NY 0065947	12/8/2009	Memo from McCorkle to Clearblue Distribution, Subject: Clearblue Package and FMOT Claims Study Summary CMK# US09B991	FRE 401-402; FRE 602; FRE 801-802
PTX 114	SPD-NY 0023054 - SPD-NY 0023082		Clearblue Family Planning and Innovations Plans Presentation for Walmart	FRE 401-402; 602; 801-802

PTX 115	SPD-NY 0078514 - SPD-NY 0078530	6/18/2013	Clearblue Weeks Estimator Opportunity Presentation for Cardinal Health	FRE 401-402; 602; 801-802
PTX 116	SPD-NY 0084249 - SPD-NY 0084268	1/16/2013	Clearblue Presentation for Rite Aid Pharmacy	FRE 401-402; 602; 801-802
PTX 117	SPD-NY 0028219 - SPD-NY 0028266	4/2/2012	Clearblue 2013 Business Planning Presentation for CVS/Caremark	FRE 401-402; 602; 801-802
PTX 118	SPD-NY 0084269 - SPD-NY 0084319		Clearblue Onboarding and Innovation Plans Presentation for Target	FRE 401-402; 602; 801-802
PTX 119		4/27/2014	Pregnancy Test's Reported Inaccuracies Causing Distress in Expecting Mothers Story from CBS Los Angeles - http://losangeles.cbslocal.com/2014/04/27/pregnancy-tests-reported-inaccuracies-causing-distress-in-expecting-mothers/	FRE 401-402; 602; 801-802
PTX 120		4/27/2014	Video of CBS Los Angeles Story found on http://losangeles.cbslocal.com/2014/04/27/pregnancy-tests-reported-inaccuracies-causing-distress-in-expecting-mothers/	FRE 401-402; 602; 801-802
PTX 121	SPD-NY 0007180 - SPD-NY 0007182	9/3/2013	Clearblue Introduces the First and Only Home Pregnancy Test That Detects Pregnancy and Estimates Weeks Press Release	
PTX 122	SPD-NY 0023349 - SPD-NY 0023356	4/11/2013	Email from Sullivan to Daly, Subject: ACOG Release - 2 Versions, with attachments	

				This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 123		9/5/2014	Mark Gittins Deposition Excerpts, pages 1, 67-68, 72-73, 76	
PTX 124		8/1/2009	"Why Is 40 Weeks So Important" webpage - https://www.health.ny.gov/community/pregnancy/why_is_40_weeks_so_important.htm	FRE 401-402; 602; 801-802
PTX 125			"Pregnancy Week by Week" Planned Parenthood webpage - http://www.plannedparenthood.org/health-info/pregnancy/stages-pregnancy	FRE 401-402; 602; 801-802
PTX 126			"Abortion Services in New York, NY" Planned Parenthood webpage - http://www.plannedparenthood.org/health-center/new-york/new-york/10012/margaret-sanger-center-3325-91110/abortion	FRE 401-402; 602; 801-802
PTX 127		11/1/2008	"Pregnancy Week 40" American Pregnancy Association webpage - http://americanpregnancy.org/week-by-week/40-weeks-pregnant/	FRE 401-402; 602; 801-802
PTX 128			Screenshot of 40 Weeks The Movie webpage - https://www.40weeksthemovie.com	FRE 401-402; 602; 801-802
PTX 129		12/31/2012	"Kim Kardashian Pregnant!! Kanye Announces On Stage" TMZ webpage - http://www.tMZ.com/2012/12/30/kim-kardashian-pregnant-kanye-west-baby-announcement	FRE 401-402; 602; 801-802

PTX 130		11/6/2014	"ART Success Rates" CDC webpage - http://www.cdc.gov/art/reports/index.html	FRE 401-402; 602; 801-802
PTX 131			Penn Medicine Reproductive Health Information Glossary of Terms - http://www.pennmedicine.org/fertility/patient/resources/reproductive-health-information/glossary-of-terms.html	FRE 401-402; 602; 801-802
PTX 132			Merriam-Webster Definition of Established - http://www.merriam-webster.com/dictionary/established	FRE 401-402; 602; 801-802
PTX 133		1/22/2015	Kurt Barnhart Deposition Excerpts, pages 1, 57-58, 201-202, 264, 271-273, 296-297	This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.

PTX 134		9/19/2014	Sarah Johnson Deposition Excerpts, pages 1, 168, 200, 342-343, 385-386	This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 135	SPD-NY 0049021 - SPD-NY 0049023	11/14/2013	Email from Gittins to Roberts, Subject: See Attached, with attachment (Position Statements for FDA Telecon.docx)	
PTX 136		11/22/2013	Email from Gittins to Duan, Subject FDA Meeting with SPD - Minutes and Mitigation Proposals, with attachments	
PTX 137		12/15/2014	Expert Report of Sarah Butler	Hearsay, FRE 801-802
PTX 138		2/1/2006	"Suspected Ectopic Pregnancy" by Seeber, <u>Obstetrics & Gynecology</u>	
PTX 139		10/1/2012	"How and When Human Chorionic Gonadotropin Curves in Women with Ectopic Pregnancy Mimic Other Outcomes: Differences by Race and Ethnicity" by Dillon, <u>Fertility and Sterility</u>	
PTX 140		9/18/2013	"Maternal Depression, Anxiety and Stress During Pregnancy and Child Outcome; What Needs to be Done" by Glover, <u>Best Practices & Research Clinical Obstetrics and Gynaecology</u>	

PTX 141		3/31/2010	"Why Worries About Baby Are Bad for Baby" by Shellenberger, <u>Wall Street Journal</u> - http://www.wsj.com/articles/SB10001424052702303601504575153891118025102	
PTX 142		Winter 2010	"Survey Evidence in False Advertising Cases" by Butler, <u>Antitrust Trial Practice Newsletter</u>	
PTX 143		1/16/2015	Sarah Butler Deposition Excerpts, pages 1, 31-32, 70-71, 134-135, 154-155, 178-179, 198-201	This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.

PTX 144		1/8/2015	Hal Poret Deposition Excerpts, pages 1, 77, 154-155	<p>This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.</p>
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				This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 145		1/15/2015	Bruce Isaacson Deposition Excerpts, pages 1, 44-46, 78-84	
PTX 146		8/16/2014	Total Pregnancy Test Kit Dollar Sales Chart, 3/30/13 - 8/16/14	
PTX 147			Cox Regression Specification 2 (Exclusion of Target Sales Data) Chart	
PTX 148			Cox Regression Specification 2 (Inclusion of Walmart and Target Sales Data) Chart	
PTX 149		9/12/2012	Email from Johnson-Lyles to Roberts, Subject: K112870/S001 Clearblue hold notification, with attachment	
PTX 150	SPD-NY 0054201 - SPD-NY 0054207	9/17/2012	Email from Roberts to Wilson, Perry, Johnson, Godbert and Parsons, CCing Gittins, Subject: CB9 - FDA Labelling Changes, with attachment	
PTX 151		3/3/2014	Public Redacted Version of Declaration of Mark Gittins in Support of SPD Swiss Precision Diagnostic's GmbH's Opposition to Motion for Preliminary Injunction	
PTX 152		11/27/2012	Email from Johnson-Lyles to Johnson, CCing Godbert and Roberts, Subject: Preview of response to section 3b received Nov. 8 (Re:k112870/S001)	
PTX 153			SPD Response to FDA Hold Letter dated September 12th 2012, k112870/S001	

				This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 154		9/5/2014	Mark Gittins Deposition Excerpts, pages 1, 91-98, 176-177, 187-192, 198	
PTX 155		11/28/2012	Clearblue Weeks Estimator package design submitted to FDA for clearance	
PTX 156			Original Clearblue Weeks Estimator marketed to US consumers beginning in August 2013	
PTX 157		11/12/2013	Email from Duan to Gittins, Subject: Meeting Request from FDA	
PTX 158		11/27/2013	Email from Duan to Gittins, Subject: FDA Feedback to SPD's mitigation proposal, with attachment	
PTX 159		2/3/2015	Direct Testimony of Stacey Feldman	This is an improper proffer of testimony as a trial exhibit. Pursuant to the Court's Order (Dkt. 261) Objections to Direct Testimony will be submitted separately.

PTX 160		8/26/2013	Storyboard for Clearblue Pregnancy Test with Weeks Estimator Commercial	*; FRE 602; 801-802; 1002-1003
PTX 161		8/26/2013	Video of Clearblue Pregnancy Test with Weeks Estimator Commercial	
PTX 162		12/23/2013	Memo from Gittins to Duan re: FDA Feedback on SPD's proposal of a revised IFU for use in the case of promotional materials where space is constrained	
PTX 163			Video of Clearblue Weeks Estimator commercial from Youtube	
PTX 164	SPD-NY 0003193	4/3/2008	Letter from Roberts to FDA re 510(k) Notification: Clearblue Digital Pregnancy Test with Conception Indicator	
PTX 165	SPD-NY 0052240 - SPD-NY 0052371	8/13/2012	Email from Roberts to Johnson-Lyles, Subject: k112870 - Response to Hold Letter, with attachment	
PTX 166	SPD-NY 0002676 - SPD-NY 0002685	10/2/2012	Email from Roberts to Johnson-Lyles, Subject: K112870/S001 Clearblue hold notification, with attachment	
PTX 167		2/3/2015	Direct Testimony of Pasquale Patrizio	This is an improper proffer of testimony as a trial exhibit. Pursuant to the Court's Order (Dkt. 261) Objections to Direct Testimony will be submitted separately.
PTX 168			Title 21 - Food and Drugs, Section 343-1	This is a statute; it is not a proper trial exhibit.
PTX 169			Title 21 - Food and Drugs, Section 360k	This is a statute; it is not a proper trial exhibit.

PTX 170		9/19/2014	Sarah Johnson Deposition Excerpts, pages 1, 34	This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 171		2/3/2015	Direct Testimony of Hal Poret	This is an improper proffer of testimony as a trial exhibit. Pursuant to the Court's Order (Dkt. 261) Objections to Direct Testimony will be submitted separately.

PTX 172		2/3/2015	Direct Testimony of Dr. Tulin Erdem	This is an improper proffer of testimony as a trial exhibit. Pursuant to the Court's Order (Dkt. 261) Objections to Direct Testimony will be submitted separately.
PTX 173	SPD-NY 0022573 - SPD-NY 0022575	11/28/2012	Email from Lindner to Guitart, Wilson, Daly and Consorte, Ccing Gittins, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)	Hearsay, FRE 801-802
PTX 174			Clearblue package submitted to FDA in August 2012 containing conversion chart	
PTX 175		12/10/2012	Letter from Gutierrez to Gittins providing clearance for k112870, Clearblue Advanced Pregnancy Test with Weeks Estimator	
PTX 176	SPD-NY 0004296 - SPD-NY 0004302	5/1/2013	Email from Meinhardt to Daly, Subject: INPUT REQUESTED...TARGET Clearblue Shelf Tray, with attachments	
PTX 177	SPD-NY 0004350 - SPD-NY 0004355	5/13/2013	Email from Suarez to Gou, Pehrson, Yang, Coker, CCing Daly, Meinhardt, Cutajar, Subject: Clearblue Shelf Tray	
PTX 178	SPD-NY 0040866 - SPD-NY 0040881	2/8/2013	Email from Aymard to Moore, CCing Kujanpaa, Luque and Pion, Subject: TV 2.0 copy test kick off meeting - elements needed, with attachment	Hearsay, FRE 602, 801-802
PTX 179	SPD-NY 0007156 - SPD-NY 0007174	11/18/2013	Email from Suarez to Daly, CCing Scull and Dewald, Subject: Clearble Blogger Connect - Call Recap & Next Steps, with attachments	FRE 602; 801-802

PTX 180	SPD-NY 0011914 - SPD-NY 0011921	10/21/2013	Email from Zinker to Dewald, CCing Suarez, Biarth, Cubberley, Taylor and Madison, Subject Clearblue Blogger Connect - Call Recap and Next Steps, with attachments	FRE 602, 801-802
PTX 181	SPD-NY 0012340 - SPD-NY 0012341	12/10/2013	Email from Linton to Suarez, Subject: "Weeks" Used on Twitter	FRE 602, 801-802
PTX 182	SPD-NY 0030913 - SPD-NY 0030918	9/5/2013	Email from Chemalis to Minniear, Vuturo and Suarez, CCing CLEARBLUE_MSL_USA list, Subject: Clearblue Weeks Estimator Press Release & Organic Coverage Update 9/5, with attachment	FRE 602, 801-802
PTX 183	SPD-NY 0000310 - SPD-NY 0000503	9/22/2011	510(k) Notification, Clearblue Advanced Pregnancy Test with Weeks Indicator submission	
PTX 184	SPD-NY 0002239 - SPD-NY 0002266		Clinical Study Report for Consumer Spiked Standards Study Report 1282	
PTX 185	SPD-NY 0002211 - SPD-NY 0002238		PROJECT Renaissance Consumer Spiked Standards Study, Protocol-0395	
PTX 186	SPD-NY 0002061 - SPD-NY 0002175	8/13/2012	Letter from Roberts to FDA responding Nov. 23, 2011 questions re k112870	
PTX 187	SPD-NY 0003733 - SPD-NY 0003760	4/29/2009	Email from Roberts to Kelm, Subject: I080478 S002, with attachments	

PTX 188	SPD-NY 0049452 - SPD-NY 0049454	1/29/2014	Email from Gittins to Humberstone, Subject to Draft 2 of Face to Face letter, with attachment	FRE 401-402; FRE 602
PTX 189	SPD-NY 0012607 - SPD-NY 0012608	3/21/2014	Email from Tan to Cowell and Caves, Subject: CB9 data, with attachment	FRE 401-402; FRE 602
PTX 190	SPD-NY 0056332 - SPD-NY 0056335	1/27/2014	Email from Humberstone to Johnson, Subject: Improve Weeks estimator clearing - What is the strategy?, with attachment	FRE 401-402; FRE 602
PTX 191	SPD-NY 0002651 - SPD-NY 0002661	9/12/2012	Email from Johnson-Lyles to Roberts, CCing Johnson and Godbert, Subject: K112870/S001 Clearblue hold notification, with attachment	
PTX 192		3/3/2014	Declaration of Mark Gittins in Support of SPD Swiss Precision Diagnostics GmbH's Opposition to Motion for Preliminary Injunction (Redesignated)	
PTX 193	SPD-NY 0068561 - SPD-NY 0068572	10/23/2012	Email from Guitart to Gittins, CCing Wilson, Subject: K112870/S001 Clearblue hold item 4	FRE 410-402; FRE 602
PTX 194	SPD-NY 0002816 - SPD-NY 0002819	11/27/2012	Email from Godbert to Johnson-Lyles and Johnson, CCing Roberts, Subject: Preview of responses to section 3b received Nov 8 (Re:k112870/S001)	
PTX 195	SPD-NY 0002820 - SPD-NY 0002967	11/28/2012	Letter from Gittins to FDA providing SPD's responses to FDA questions dated September 12, 2012 concerning k112870/S001	
PTX 196	SPD-NY 0029653 - SPD-NY 0029673	11/27/2012	Email from Pike to Suarez and Meinhardt, CCing Gittins, Corredoira and Consorte, Subject: Urgent for Wednesday morning, with attachments	

PTX 197	SPD-NY 0007451 - SPD-NY 0007453	11/16/2012	Email from Guitart to Wilson, Daly and Consorte, CCing Gittins and Lindner, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)	
PTX 198	SPD-NY 0022569 - SPD-NY 0022572	11/28/2012	Email from Guitart to Lindner, Wilson, Daly and Consorte, CCing Gittins, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)	
PTX 199	SPD-NY 0049595 - SPD-NY 0049600	12/11/2012	Email from Gittins to Wilson, Perry, Godbert, Johnson and Roberts, CCing Guitart, Subject: FDA Clearance Letter Attached, with attachment	
PTX 200	SPD-NY 0034764 - SPD-NY 0034767	2/5/2013	Email from Gittins to Roberts, Wilson, Johnson and Pike, Subject: CB9 US Weeks Estimator Figures, with attachment	
PTX 201	SPD-NY 0069113 - SPD-NY 0069131	11/29/2013	Meeting request from Gittins to Stewart, Lindner and Gittins, with attachments	
PTX 202	SPD-NY 0017721 - SPD-NY 0017723	11/13/2013	Email from Gittins to Angell, Subject: Meeting Request from FDA	
PTX 203	SPD-NY 0055621 - SPD-NY 0055624		Clearblue Advanced Pregnancy Test with Weeks Estimator Reactive Q&As Draft with Tracked Changes	FRE 401-402; FRE 602
PTX 204	SPD-NY 0050270 - SPD-NY 0050285	1/29/2014	Email from Humberstone to Guitart, Scaife and Gittins, Subject: Slides on weeks study, with attachment	FRE 401-402; FRE 602

PTX 205	SPD-NY 0003549 - SPD-NY 0003571	9/10/2008	Letter from Roberts to Kelm, Re: Pre-IDE Submission for Clearblue Pregnancy Test with Conception Indicator (I080478)	
PTX 206	SPD-NY 0024092 - SPD-NY 0024130		Pregnancy Initiatives, Conception Indicator & Athos Presentation	FRE 401-402; FRE 602
PTX 207	SPD-NY 0045201 - SPD-NY 0045206	11/13/2012	Email from Johnson to Johnson-Lyles, CCing Godbert, Subject: Preview of response to section 3b received Nov 8 (Re:k112870/S001)	
PTX 208	SPD-NY 0023874 - SPD-NY 0023875		Email & Storyboard for CB9 - Before the Doctor Visit Commercial	
PTX 209	SPD-NY 0068987 - SPD-NY 0069024	1/1/2013	Product Support - Initiative Quarterly Review Presentation	FRE 401-402; FRE 602
PTX 210	SPD-NY 0023052	3/19/2013	Clearblue Commerical Video - Clearblue CB 9 15" Back Up	
PTX 211	SPD-NY 0010660 - SPD-NY 0010670	3/20/2013	Email from Daly to Consorte and Suarez, Subject: CB9 - 15 sec back up BY TODAY thanks :)	FRE 401-402; FRE 403
PTX 212	SPD-NY 0037309 - SPD-NY 0037315	3/27/2013	Email from Pike to Daly, Consorte and Suarez, Subject: CB9 US- moving forward - YOUR help please!, with attachments	
PTX 213	SPD-NY 0015359 - SPD-NY 0015364	4/17/2013	Email from Pike to Lagarde, Subject: Weeks Estimator TV copy substantiation, with attachments	

PTX 214	SPD-NY 0007938 - SPD-NY 0007939	7/11/2013	Email from Suarez to Daly, Subject: CVS - Copy/Visual Equities in WE Circular Blocks	
PTX 215	SPD-NY 0021686 - SPD-NY 0021687	10/1/2013	Email from Suarez to Duckett, CCing Daly, Subject: Weeks Estimator Displays in Store.pptx, with attachment	
PTX 216	SPD-NY 0011930 - SPD-NY 0011931	10/21/2013	Email from Cutajar to Minniear, Daly and Suarez, CCing Cybowski, Subject: Weeks Estimator Display at Meijer, with attachment.	FRE 602
PTX 217	SPD-NY 0007376 - SPD-NY 0007380	12/11/2013	Email from Meinhardt to Daly, Subject: For Review, with attachments	FRE 401-402; FRE 602
PTX 218	SPD-NY 0023670 - SPD-NY 0023674	6/13/2013	Email from Suarez to Daly, Subject: Clearblue Weeks Estimator Press Materials	
PTX 219	SPD-NY 0030771 - SPD-NY 0030773	8/28/2013	Email from List to Suarez, Vuturo, Minniear, Daly and Linton, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator TIME "Healthland" Exclusive	FRE 801-802
PTX 220	SPD-NY 0030708 - SPD-NY 0030713	8/28/2013	Email from Linton to Kupfer and Suarez, CCing CLEARBLUE_MSL_TEAM_USA list and Vuturo, Subject: Update: Tweeting TIME Healthland Exclusive Tomorrow (8/28)	FRE 801-802
PTX 221	SPD-NY 0025057 - SPD-NY 0025079	9/2/2013	Email from Daly to Solomon, Gou, Gonzalezalduenda, Grobman, Duckett, Myres, Benford, Harrington, Emerson, West and Powell, Ccing Suarez, Minniear and Cutajar, Subject: Clearblue weeks estimator launch coverage, with attachments	

PTX 222	SPD-NY 0023382 - SPD-NY 0023384	4/16/2013	Email from Iasilli to Daly, CCing Minnear, Subject: Talking points MMP	FRE 401-402FRE 801-802
PTX 223	SPD-NY 0078480 - SPD-NY 0078491	5/30/2013	Email from Daly to Peters, CCing Cutajar, Subject: Safeway & Clearblue, with attachments	FRE 401-402; FRE 602
PTX 224	SPD-NY 0011592 - SPD-NY 0011596	9/5/2013	Email from Daly to Suarez, Subject: Clearblue Weeks Estimator Press Release & Organic Coverage Update - 9/5	FRE 401-402; FRE 801-802
PTX 225	SPD-NY 0024848 - SPD-NY 0024854	2/26/2014	Email from Minnear to LockwoodTaylor, CCing Mccray, Subject: Clearblue Marketing Plan 1415, with attachment	FRE 401-402; FRE 602
PTX 226	SPD-NY 0007403 - SPD-NY 0007407	4/28/2014	Email from Vuturo to Daly and Mccray, Subject: CBS LA Weeks Estimator Coverage Update	FRE 401-402; FRE 602
PTX 227	SPD-NY 0042680 - SPD-NY 0042682	3/6/2014	Email from Moore to Guitart, Daly, Minniear and Mccray, CCing Pion, Subject: US Clearblue Awareness Tracker - February 2014 Topline, with attachment	
PTX 228	SPD-NY 0052078 - SPD-NY 0052082	9/27/2012	Email from Roberts to Wilson, Johnson, Gittins, Pike and Perry, CCing Fair, Subject: CB9 Labelling letter to PDA v2	
PTX 229	SPD-NY 0015162 - SPD-NY 0015163	2/7/2013	Email from Pike to Suarez, Subject: PR toolkit materials	FRE 401-402; FRE 602

PTX 230	SPD-NY 0012968 - SPD-NY 0012973	2/14/2013	Email from Wiseman to Pike, CCing Bowden and Borovska, Subject: Updated Key Messages, with attachment	FRE 401-402; FRE 602
PTX 231	SPD-NY 0015127 - SPD-NY 0015128	2/25/2013	Email from Pike to Wiseman, CCing Bowden and Towers, Subject: CB9 - next steps	FRE 401-402; FRE 602
PTX 232	SPD-NY 0012925 - SPD-NY 0012926	3/1/2013	Email from Wiseman to Pike, Subject: CB9 US press release	FRE 401-402; FRE 602
PTX 233	SPD-NY 0015074 - SPD-NY 0015076	3/1/2013	Email from Pike to Sekhon, CCing Kouwenberg and Bentley	FRE 401-402;FRE 602; FRE 801-802
PTX 234	SPD-NY 0014890 - SPD-NY 0014891	3/18/2014	Email from Foster to Hardie and Scaife, CCing Pike, Subject: Additional questions on the model for 1415	FRE 401-402; FRE 602
PTX 235	SPD-NY 0035909 - SPD-NY 0035914	7/29/2013	Email from Sharman to Johnson, CCing Kouwenberg and Pike, Subject: CSD-0148 v1 Claim Substantiation Document for Clearb, with attachment	FRE 401-402; FRE 602
PTX 236	SPD-NY 0034997 - SPD-NY 0034998	12/11/2012	Email from Richards to Pike, Subject: Change to Coretext for CB9	
PTX 237	SPD-NY 0069515 - SPD-NY 0069516	2/6/2013	CB9 1st Off Line Presentation	FRE 401-402; FRE 602

PTX 238	SPD-NY 0037575 - SPD-NY 0037578	2/11/2013	Email from Pike to Gittins, Subject: CB9 - Storyboard, with attachment	
PTX 239	SPD-NY 0015333 - SPD-NY 0015337	4/3/2013	Email from Pike to Roberts, CCing Sharman and Gittins, Subject: Cb9 - substantiation for TV copy for US	FRE 401-402;
PTX 240	SPD-NY 0016011 - SPD-NY 0016019	1/27/2014	Email from Pike to Giroud and Foster, Subject: Clearblue Videos > Youtube Channel missing elements, with attachments	FRE 401-402
PTX 241	SPD-NY 0015860 - SPD-NY 0015862	11/15/2013	Email from Pike to Lagarde, Subject: CB9 - lines for the actress to record, with attachments	FRE 401-402
PTX 242	SPD-NY 0066845 - SPD-NY 0066849	1/23/2013	Email from Suarez to Consorte, CCing Pike and Minniear, Subject: CB9 Revised concepts, with attachments	FRE 401-402
PTX 243	SPD-NY 0066957 - SPD-NY 0066960	1/24/2013	Email from Pike to Consorte, Subject: CB9 Revised concepts - feedback to discuss	FRE 401-402
PTX 244	SPD-NY 0010328 - SPD-NY 0010332	1/24/2013	Email from Consorte to Suarez and Minniear, Subject: CB9 Imedia Design, with attachments	FRE 401-402
PTX 245	SPD-NY 0076668 - SPD-NY 0076690	1/31/2013	Emai from Pike to Pion, Subject: Print and i-banner copy test quationnaires - FOR INPUT BY WEDNESDAY	FRE 401-402

PTX 246	SPD-NY 0013884 - SPD-NY 0013891	6/11/2013	Email from Suarez to Pike, Subject: CB9 concepts	FRE 401-402
PTX 247	SPD-NY 0015608 - SPD-NY 0015615	6/19/2013	Email from Pike to Scaife, Subject: CB9 concepts	FRE 401-402
PTX 248	SPD-NY 0012620 - SPD-NY 0012634		US Facebook Posts, Learnings for Europe? Presentation	FRE 401-402; FRE 602
PTX 249	SPD-NY 0033234 - SPD-NY 0033270	2/20/2013	Email from Granneslls to SPD-UK-EVERYONE list, CCing Dalsoglio, Subject: The Science Behind conception indicator - Slides for those who couldn't attend, with attachment	FRE 401-402; FRE 602
PTX 250	SPD-NY 0044881 - SPD-NY 0044888	3/6/2013	Email from Johnson to Daly, Suarez and Humberstone, Subject: Updated slides, with attachment	FRE 401-402; FRE 602
PTX 251	SPD-NY 0055987 - SPD-NY 0055988	4/4/2014	Email from Johnson to Hart, Carlisle and Humberstone, Subject: Single slide on CI study for back up at the reviews, with attachment	FRE 401-402; FRE 602
PTX 252	SPD-NY 0009066 - SPD-NY 0009072	2/19/2013	Clearblue FY 13/14 Planning Meeting Recap	FRE 401-402; FRE 602
PTX 253	SPD-NY 0074332 - SPD-NY 0073334	8/7/2012	Email from Consorte to Pion, Subject: CI concept, with attachment	FRE 401-402; FRE 602

PTX 254	SPD-NY 0074578 - SPD-NY 0074630	10/24/2012	Email from Suarez to Consorte and Corredoira, CCing Pion, Shipley and Daly, Subject: Question from the agency, with attachment	FRE 401-402; FRE 602
PTX 255	SPD-NY 0009668 - SPD-NY 0009673	10/25/2012	Email from Suarez to Suarez, Consorte and Bussolari, CCing Corredoira, Bildirgen, and Daly, Subject: Question from the agency, with attachments	FRE 401-402; FRE 602; FRE 801-802
PTX 256	SPD-NY 0007708	3/8/2013	Email from Suarez to Minniear, Meinhardt, Page, Lucas, Stevenson, Harrigan, Sullivan and Cutajar, CCing Daly, Subject: BEST NEWS EVER!! Happy Friday!	
PTX 257	SPD-NY 0007733 - SPD-NY 0007739	3/20/2013	Email fro Suarez to Consorte, CCing Daly, Subject: TV recap	FRE 401-402
PTX 258	SPD-NY 0030498 - SPD-NY 0030500	8/13/2013	Email from Nenon to Suarez, Subject: YouTube edits	FRE 401-402
PTX 259	SPD-NY 0030274 - SPD-NY 0030287	7/12/2013	Email from Abadi to Suarez, CCing Colvin, Subject: Boards, with attachment	FRE 401-402; FRE 602
PTX 260	SPD-NY 0018971 - SPD-NY 0018973	8/5/2013	Email from Suarez to Nenon, Ccing Minniear and Meinhardt, Subejct: The website content	FRE 401-402
PTX 261	SPD-NY 0006044 - SPD-NY 0006056	4/25/2013	Email from Meinhardt to NAeComContent, Subject: eContent Gathering Template for AdvPreg w WE.xls, with attachments	FRE 401-402; FRE 602
PTX 262	SPD-NY 0011229 - SPD-NY 0011230	7/25/2013	Email from Nenon to Suarez, Subject: WE Enhanced Content, with attachment	FRE 401-402; FRE 602

PTX 263	SPD-NY 0020305 - SPD-NY 0020309	12/3/2013	Email from Meinhardt to Suarez, Subject: Input Requested - Basic eContent...Advanced Preg w/Weeks Estimator, with attachments	FRE 401-403
PTX 264	SPD-NY 0019130 - SPD-NY 0019147	1/13/2014	Email from Meinhardt to NAeComContent, Subject: CRITICAL .. eContent for AdvPreg w WE - 1-9-14.xlsx, with attachment	FRE 602; 801-802
PTX 265	SPD-NY 0018869 - SPD-NY 0018885	2/3/2014	Email from NAeComContent to Meinhardt, CCing Nathani, Mariaraj, Nazir, Ghabrani, Balasubramanian, Monaldo and Salunke, Subject: Weeks Estimator Content change - URGENT, with attachment	FRE 602; 801-802
PTX 266	SPD-NY 0004474 - SPD-NY 0004478	2/3/2014	Email from Salunke to NAeComContent, CCing Nathani, Mariaraj, Nazir, Ghabrani, Balasubramanian, Monaldo and Salunke and Meinhardt, Subject: Weeks Estimator Content change - URGENT	FRE 602; 801-802
PTX 267	SPD-NY 0027060 - SPD-NY 0027069		Clearblue Weeks Estimator Table Top Review presentation	FRE 401-402; 602; 801-802
PTX 268	SPD-NY 0030879 - SPD-NY 0030881	8/29/2013	Email from Nenon to Suarez, CCing Minniear, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator Exclusive Launch Comprehensive Recap, 8/28	FRE 401-402; 602; 801-802
PTX 269	SPD-NY 0008091 - SPD-NY 0008096	9/13/2013	Email from Suarez to Daly, Subject: For Review: Tamera/Clearblue Partnership Press Release	FRE 602; 801-802
PTX 270	SPD-NY 0011655 - SPD-NY 0011658	9/13/2013	Email from Scull to Suarez, CCing Dewald, Subject: UPDATE: Tamera on The Doctors!	FRE 801-802

PTX 271	SPD-NY 0012342 - SPD-NY 0012353	12/6/2013	Email from Iasilli to Suarez and Minniear, Subject: Clearblue Heavy Up Nielsen Study, with attachment	FRE 602; 801-802
PTX 272	SPD-NY 0009501 - SPD-NY 0009502		Social Media Cards	FRE 602
PTX 273	SPD-NY 0009499 - SPD-NY 0009500		Clearblue Waiting is the Hardest Part document	FRE 602
PTX 274	SPD-NY 0022680 - SPD-NY 0022711	2/15/2013	Email from Cutajar to Daly, Ccing Suarez and Cutajar, Subject: GBP Documents to be Submitted at 5 pm, with attachments	FRE 401-402; 602; 801-802
PTX 275	SPD-NY 0023114 - SPD-NY 0023143	3/27/2013	Email from Cutajar to Cohen, CCing Daly and Suarez, Subject CVS/Clearblue Slide Deck v1, with attachment	FRE 401-402; 602; 801-802
PTX 276	SPD-NY 0006216 - SPD-NY 0006225	5/24/2013	Email from Solomon to Suarez and Meinhardt, Subject: Response Needed	FRE 401-402; 602; 801-802
PTX 277	SPD-NY 0006232 - SPD-NY 0006238	5/28/2013	Email from Solomon to Suarez and Meinhardt, CCing Cutajar, Subject: Response Needed	FRE 401-402; 602; 801-802
PTX 278	SPD-NY 0019461 - SPD-NY 0019463	7/25/2013	Email from Meyer to Suarez and Meinhardt, Subject: 29587 Clearblue Third Page ad, with attachment	FRE 401-402; 602; 801-802

PTX 279	SPD-NY 0030534 - SPD-NY 0030539	8/14/2013	Email from Danielson to Suarez, Subject: Revision Order - 2 for Job/Comp 029133-01 Clearblue Blad Insert, with attachments	FRE 401-402; 602; 801-802
PTX 280	SPD-NY 0006465 - SPD-NY 0006471	6/25/2013	Email from Meinhardt to Suarez, Subject: Display artwork, with attachments	
PTX 281	SPD-NY 0030531 - SPD-NY 0030533	8/15/2013	Email from Abaunza to Suarez, CCing Cutajar and Ruston, Subject: Weeks Estimator on Walmart.com	
PTX 282	SPD-NY 0021709 - SPD-NY 0021711	12/11/2013	Email from Madigan to Suarez and Daly, Subject: URGENT, remove and update Walmart.com unapproved language for weeks estimator	
PTX 283	SPD-NY 0031127 - SPD-NY 0031130	11/1/2013	Email from Daly to Suarez, Subject: CB WE Selftalker, with attachment	
PTX 284	SPD-NY 0030780	8/29/2013	Email from Linton to Suarez, Subject: PLEASE READ: Comments Beneath Yesterday's WE FB Post	FRE 602; 801-802
PTX 285	SPD-NY 0081483 - SPD-NY 0081485	8/29/2013	Email from Suarez to Linton, Subject: PLEASE READ: Comments Beneath Yesterday's WE FB Post	FRE 602; 801-802
PTX 286	SPD-NY 0078269 - SPD-NY 0078278	2/13/2013	Email from Wopfner to Suarez, Cutajar and Minniear, Subject: CRM - competition structural financial, with attachment	FRE 401-402; FRE 602
PTX 287	SPD-NY 0024839 - SPD-NY 0024841	10/30/2013	Email from Suarez to Minniear, Subject: Weekly Share	

PTX 288	SPD-NY 0012319 - SPD-NY 0012320	11/21/2013	Email from LockwoodTaylor, Subject: Positive Gossip from the MDO	FRE 401-402; 602; 801-802
PTX 289	SPD-NY 0081782 - SPD-NY 0081785	7/25/2013	Email from Suarez to Nenon, Subject: WE Enhanced Content, with attachment	
PTX 290	SPD-NY 0007936 - SPD-NY 0007937	7/9/2013	Email from Suarez to Daly, Subject: Weeks Estimator Training	
PTX 291	SPD-NY 0081363	1/31/2014	Email from Minniear to Linton, Subject: WE Amazon Review - LiteracySpecialist	FRE 602; 801-802
PTX 292	SPD-NY 0081063	8/13/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published	FRE 602; 801-802
PTX 293	SPD-NY 0011798 - SPD-NY 0011800	10/7/2013	Email from Linton to Suarez, CCing Minniear and Vuturo, Subject: WE Comment on the Facebook Wall	FRE 801-802
PTX 294	SPD-NY 0081257 - SPD-NY 0081258	3/4/2014	Email from Nenon to Linton, Subject: Spreadsheet, with attachment	FRE 401-402; 602; FRE 801-802
PTX 295			Clearblue Adadvanced Pregnancy Test One Sheet	FRE 401-402; FRE 602; FRE 801-802
PTX 296	SPD-NY 0084460 - SPD-NY 0084461	8/30/2013	Email from Meinhardt to Daly, Subject: 4 - One-Page Retail Presentation - Clearblue APT - Mar 2013.pptx, with attachment	FRE 401-402; FRE 602; FRE 801-802
PTX 297	SPD-NY 0084465 - SPD-NY 0084472		Sochi 2014 Olympic Winter Games Feb 7-23, 2014 document	FRE 401-402; FRE 602

PTX 298	SPD-NY 0024930 - SPD-NY 0024983	2/5/2013	Email from Cutajar to Minniear, Subject: Help Needed Competitive Response Session, with attachments	FRE 401-402; FRE 602; FRE 801-802
PTX 299	SPD-NY 0030487 - SPD-NY 0030488	8/13/2013	Email from Cutajar to Daly and Mccracken, CCing Suarez, Muehlfeld, Minniear, Meinhardt and Page, Subject: Weeks Estimator Launch Tracker #1 - DPSM (updated), with attachment	FRE 401-402; FRE 602
PTX 300	SPD-NY 0006439 - SPD-NY 0006441	6/19/2013	Email from Meinhardt to Cutajar, Subject: Weeks estimator claims	
PTX 301	SPD-NY 0007787 - SPD-NY 0007790	4/17/2013	Email from Meinhardt to Duckett and Cutajar, Subject: Clearblue Weeks Estimator Claims, with attachment	FRE 401-402; FRE 602; FRE 801-802
PTX 302			Compilation of documents produced by Cutajar at deposition	FRE 401-402; FRE 602; FRE 801-802
PTX 303	SPD-NY 0084358 - SPD-NY 0084373		Handwritten notes	FRE 401-402; FRE 602; FRE 801-802
PTX 304	SPD-NY 0089358 - SPD-NY 0089375		Handwritten notes	FRE 401-402; FRE 602; FRE 801-802
PTX 305	SPD-NY 0084822 - SPD-NY 0084840		Email from Lehane to Daly, Humberstone and Johnson, Subject: Ad Board Meeting Pack, with attachment	FRE 401-402; FRE 602; FRE 801-802
PTX 306	SPD-NY 0082590 - SPD-NY 0082670	10/17/2013	SPD Advisory Board presentation	FRE 401-402; FRE 602; FRE 801-802

PTX 307	SPD-NY 0085554 - SPD-NY 0085641	12/11/2012	SPD Advisory Board presentation	FRE 401-402; FRE 602; FRE 801-802
PTX 308	SPD-NY 0089376 - SPD-NY 0089377	7/28/2009	Clearblue Advanced Agenda for Advisory Board Meeting	FRE 401-402
PTX 309	SPD-NY 0085552 - SPD-NY 0085553	7/28/2009	Clearblue Advanced Agenda for Advisory Board Meeting Draft 2A	FRE 401-402; 602
PTX 310	SPD-NY 0085493 - SPD-NY 0085547	7/28/2009	Clearblue Advanced Agenda for Advisory Board Meeting Presentation	FRE 401-402; FRE 602; FRE 801-802
PTX 311	SPD-NY 0091986 - SPD-NY 0092090	1/26/2012	SPD Advisory Board presentation	FRE 401-402; FRE 602; FRE 801-802
PTX 312	SPD-NY 0091985	1/27/2012	Photocopy of Clearblue Advanced Pregnancy Test package	FRE 401-402; FRE 602
PTX 313	SPD-NY 0092091	1/27/2012	Clearblue Advanced Pregnancy Test with Weeks Indicator instructions for use	FRE 401-402; FRE 602
PTX 314	SPD-NY 0068861 - SPD-NY 0068871	9/19/2012	Email from Wilson to Lindner, CCing Guitart, Subject: FDA Feedback, with attachment	
PTX 315	SPD-NY 0022538 - SPD-NY 0022543	11/9/2012	Email from Wilson to Guitart, Daly, Consorte and Colacchia, CCing Gittins, Subject: FDA Feedback, with attachments	
PTX 316		1/17/2014	SPD's Medical Device Reporting Business Process	FRE 401-403

PTX 317	SPD-NY 0082417 - SPD-NY 0082420		USA Medical Device Reporting Decision Tree document	FRE 401-403
PTX 318		5/30/2013	SPD's Procedure for the Escalation of Issues (Potentially Reportable Events and Suspected GMP issues) reported to Customer Support for Investigation, Assessment and/or Higher Level Review	FRE 401-403
PTX 319		1/16/2014	SPD's Medical Device Reporting Decision Tree and Reporting Process	FRE 401-403
PTX 320	SPD-NY 0092126 - SPD-NY 0092134		Consumer Complaint Call Transcript, 001358467A	FRE 401-402; FRE 602; FRE 801-802
PTX 321	SPD-NY 0084495		CRS Verbatim Recording document	FRE 401-402; FRE 602; FRE 801-802
PTX 322	SPD-NY 0090003 - SPD-NY 0090012	5/18/2011	Consumer Complaint Call Transcript, 001326074A	FRE 401-402; FRE 602; FRE 801-802
PTX 323	SPD-NY 0090053 - SPD-NY 0090057	9/5/2011	Consumer Complaint Call Transcript, 001340587A	FRE 401-402; FRE 602; FRE 801-802
PTX 324	SPD-NY 0089756 - SPD-NY 0089761	12/6/2011	Consumer Complaint Call Transcript, 001352908A	FRE 401-402; FRE 602; FRE 801-802
PTX 325	SPD-NY 0090264 - SPD-NY 0090269	6/29/2012	Consumer Complaint Call Transcript, 001377662A	FRE 401-402; FRE 602; FRE 801-802
PTX 326	SPD-NY 0090551 - SPD-NY 0090558	6/10/2014	Consumer Complaint Call Transcript, 001645979A	FRE 401-402; FRE 602; FRE 801-802

PTX 327	SPD-NY 0091698 - SPD-NY 0091704	12/13/2013	Consumer Complaint Call Transcript, 001604063A	FRE 401-402; FRE 602; FRE 801-802
PTX 328	SPD-NY 0091751 - SPD-NY 0091763		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 329	SPD-NY 0091981 - SPD-NY 0091984	9/27/2013	Signed Engagement Letter for Barnhart	FRE 401-402
PTX 330	SPD-NY 0050821 - SPD-NY 0050826		Discussion Document, FDA Amendments - CB9 Labelling	FRE 401-402; FRE 602
PTX 331	SPD-NY 0000058 - SPD-NY 0000061	11/18/2013	Email from Duan to Gittins, Subject: Meeting Request from FDA	
PTX 332	SPD-NY 0001814 - SPD-NY 0001829	11/23/2011	Email from Johnson-Lyles to Roberts, Subject: K112870 hold notification - Clearblue Advanced Pregnancy Test with Weeks Indicator, with attachment	
PTX 333	SPD-NY 0002764 - SPD-NY 0002770	10/24/2012	Email from Godbert to Johnson-Lyles, Ccing Johnson and Roberts, Subject: K112870/S001 Clearblue hold item 1 following FDA feedback dated 18th Oct 2012, with attachments	
PTX 334	SPD-NY 0082464 - SPD-NY 0082475	2/11/2009	Consultancy Agreement between SPD Development Company Limited and Michael Zinaman	FRE 401-402

PTX 335	SPD-NY 0082477 - SPD-NY 0082479	6/9/2009	Confidentiality Agreement between SPD Development Company Limited and Todd Alonzo	FRE 401-402
PTX 336	SPD-NY 0055635 - SPD-NY 0055636		Device Accuracy document	FRE 602
PTX 337	SPD-NY 0045365 - SPD-NY 0045370	9/13/2012	Email from Johnson to Roberts, Parsons, Perry, Bodbert and Wilson, Subject: Notes from Meeting Today, with attachment	
PTX 338	SPD-NY 0042866 - SPD-NY 0042889		Clearblue Advanced Digital Pregnancy Test with Weeks Estimator Presentation	FRE 602
PTX 339	SPD-NY 0044951 - SPD-NY 0044960	1/30/2013	Email from Johnson to Sullivan, Devald and Scull, Ccing Minniear, Linton and Hoytt, Subject Clearblue Geneva Call - re: Conception Indicator, with attachment	
PTX 340	SPD-NY 0043118 - SPD-NY 0043119		Clearblue Advanced Pregnancy Test with Weeks Estimator Q&A	FRE 602
PTX 341	SPD-NY 0053468	4/11/2013	Email from Humberstone to Wilson, Johnson, Gittins and Roberts, Subject: CB9 Future Strategy	
PTX 342	SPD-NY 0014289 - SPD-NY 0014298	8/7/2013	Email from Guitart to Humberstone, Johnson, Wilson, Scaife, Pike, Roberts, Gittins, Daly, Perry, and Hart, Subject: New Paper: Length of human pregnancy and contributors to its natural variation, with attachment	
PTX 343	SPD-NY 0068839 - SPD-NY 0068840	9/27/2012	Email from Wilson to Consorte, Subject: Product name description for FDA response	

PTX 344	SPD-NY 0068985 - SPD-NY 0069024	1/1/2013	See Daly 9 - Product Support - Initiative Quarterly Review Presentation	FRE 401-402; FRE 602
PTX 345	SPD-NY 0037630 - SPD-NY 0037647	2/7/2013	Email from Pike to Wiseman, CCing Bowden, Subject: Clearblue Weeks Estimator Meeting on Monday, with attachments	FRE 401-402; FRE 602
PTX 346	SPD-NY 0089784		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 347	SPD-NY 0090168		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 348	SPD-NY 0091208		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 349	SPD-NY 0091386		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 350	SPD-NY 0091593		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 351	SPD-NY 0091045		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 352	SPD-NY 0092127		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 353	SPD-NY 0091505		Consumer Complaint Call Transcript	FRE 401-402; FRE 602; FRE 801-802
PTX 354	SPD-NY 0078716		Video attachment to email from Consorte to Yacoubain	FRE 602
PTX 355	SPD-NY 0022644- SPD-NY 0022648	12/18/2012	Email from Suarez to Daly, Subject: SPD feedback on STB sisters including legal and regulatory check	FRE 801-802
PTX 356	SPD-NY 0029932- SPD-NY 0029935	12/18/2012	Email from Corredoira to Suarez, Subject: scripts for final review and approval before pre-bid on Thursday, with attachments	

PTX 357	SPD-NY 0010697- SPD-NY 0010703	3/20/2013	Email from Corredoira to Suarez, Subject: CB9 - TVC recap	FRE 801-802
PTX 358	SPD-NY 0006417- SPD-NY 0006424	5/22/2013	Email from Suarez to Pehrson, Subject: Clearblue Shelf Tray	FRE 801-802
PTX 359	SPD-NY 0034879- SPD-NY 0034881	1/21/2013	Email from Suarez to Yacoubain, Consorte, and Moss, Ccing Corredoira, Pike, Minniear, and Burrow, Subject: Clearblue Shelf Tray	FRE 801-802
PTX 360	SPD-NY 0011378- SPD-NY 0011388	8/20/2013	Email from Nenon to Suarez, CCing Minniear, Subject: search - WE, with attachment	FRE 401-402; FRE 602, 801-802
PTX 361	SPD-NY 0029959- SPD-NY 0029961	2/15/2013	Email from Iasilli to Suarez, Subject: Clearblue Status 2.14.13, with attachment	FRE 801-802
PTX 362	SPD-NY 0055838- SPD-NY 0055841	10/25/2013	Email from Dewald to Humberstone, CCing Scull, Kupfer, and Suarez, Subject: ADDITIONAL NEEDS: WSJ	
PTX 363	SPD-NY 0025042- SPD-NY 0025043	5/6/2013	Email from List to Suarez, Sullivan, Minniear, and Daly, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator ACOG Launch	FRE 602; 801-802
PTX 364	SPD-NY 0030096- SPD-NY 0030100	5/10/2013	Email from Chemalis to Suarez, Sullivan, Minniear, and Daly, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Monitoring Report (week of May 6-10), with attachments	FRE 602; 801-802

PTX 365	SPD-NY 0025051- SPD-NY 0025056	8/29/2013	Email from List to Suarez, Vuturo, Minniear, Daly, and Linton, CCing CLEARBLUE_MSL_TEAM_USA list, Subject: Clearblue Advanced Pregnancy Test with Weeks Estimator Exclusive Launch Comprehensive Recap, 8/29, with attachments	FRE 602; 801-802
PTX 366	SPD-NY 0025083	8/30/2013	Email from Suarez to Minniear, Subject: Clearblue Monitoring Report (Week of August 26-30)	FRE 602; 801-802
PTX 367	SPD-NY 0084169 - SPD-NY 0084171	3/18/2014	Email from Scaife to Pike, Subject: US Facebook Posts, with attachment	FRE 602
PTX 368		8/28/2013	"Finally, The First Home Pregnancy Test That Tells You How Pregnant You Are," by Sifferlin, <u>TIME</u>	FRE 602, 801-802
PTX 369		11/24/2014	Email from Mehretu to Yang, Goldstein, Mervis, Vinti, Warshafsky, CCing Knowles, Greer, Wang and Levy, Subject: Customer complaints - follow up	This is a "meet and confer" email between counsel in relation to discovery issues in this case; it is extremely improper to attempt to introduce it as a trial exhibit. FRE 401-403; FRE 801-802.
PTX 370		11/12/2014	Email from Greer to Mervis, Knowles, Mehretu, Wang and Fong, Ccing Levy, Downs, Goldstein, Vinti, Warshafsky and Yang, Subject: Meet and Confer in Adavance of 11/14 Conference	This is a "meet and confer" email between counsel in relation to discovery issues in this case; it is extremely improper to attempt to introduce it as a trial exhibit. FRE 401-403; FRE 801-802.

PTX 371	SPD-NY 0000001 - SPD-NY 0004176	12/11/2012	Clearblue Weeks Estimator 510K file	This purported exhibit is actually comprised of many hundreds of documents, many of which are distinct trial exhibits, and much of which is subject to various objections. FRE 401-403; 602: 801-802.
PTX 372		9/2/2014	Defendant SPD's Response to First Set of Requests for Admission Propounded by Plaintiff Church & Dwight Co., Inc.	see Objections contained in exhibit.
PTX 373		10/3/2014	Defendant SPD Swiss Precision Diagnostics GmbH's Response to Third Set of Interrogatories Propounded by Plaintiff Church & Dwight Co., Inc.	see Objections contained in exhibit.
PTX 374		9/26/2014	Email from Yang to Greer, Mervis and Mehretu, CCing Goldstein, Weinstein, Vinti, Warshafsky, Downs, Levy, Knowles and Wang, Subject: Suarez and Linton Depositions, with attachment	This is a "meet and confer" email between counsel in relation to discovery issues in this case; it is extremely improper to attempt to introduce it as a trial exhibit. FRE 401-403; FRE 801-802.

				This is improper submission of deposition testimony as a purported trial exhibit; to the extent any of it was submitted by C&D as deposition testimony to be introduced at trial, see SPD's objections to deposition testimony; otherwise, it should be excluded in its entirety. If the Court disagrees, please see objections in the testimony.
PTX 375		1/22/2015	Kurt Barnhart Deposition Excerpts, pages 1, 178-179, 271-273	
PTX 376			Stipulation regarding retailer presentations, keywords, materials provided to Tamera Mowry-Housley, etc.	
PTX 377			Spanish Language Clearblue Weeks Estimator Commercial	FRE 401-402
PTX 378	SPD-NY 0008752 - SPD-NY 0008754	9/6/2013	Email from Linton to Suarez, Vuturo, Minniear, CCing Evans, Subject: The Pregnancy Beat	FRE 602; 801-802
PTX 379	SPD-NY 0011327- SPD-NY 0011332	8/7/2013	Email from Linton to Suarez and Vuturo, CCing Evans, Subject: Clearblue Social Respones for WE, with attachment	

PTX 380	SPD-NY 0011333 - SPD-NY 0011334	8/7/2013	Email from Linton to Suarez and Vuturo, Subject: Social Respones for Clearblue WE, with attachment	
PTX 381	SPD-NY 0030719 - SPD-NY 0030725	8/28/2013	Email from Linton to Macon, Subject: Update: Tweeting TIME Healthland Exclusive Tomorrow (8/28)	FRE 602; 801-802
PTX 382	SPD-NY 0030726	8/28/2013	Email from Linton to Suarez, Subject: Comment Beneath Today's Post - Her Dr Can't Confirm Her # of Weeks	FRE 602; 801-802
PTX 383	SPD-NY 0030895	8/29/2013	Email from Linton to Suarez, Subject: Accuracy of WE - Inconsistency with Careline Language	FRE 801-802
PTX 384	SPD-NY 0030896 - SPD-NY 0030903	8/29/2013	Email from Linton to Suarez, Subject: Update: Tweeting TIME Healthland Exclusive Tomorrow (8/28)	FRE 602; 801-802
PTX 385	SPD-NY 0081022 - SPD-NY 0081031		Social Responses for Weeks Estimator Templates	FRE 401-402; FRE 602
PTX 386	SPD-NY 0081060	8/14/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published	FRE 602; FRE 801-802
PTX 387	SPD-NY 0081062	8/13/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published	FRE 602; 801-802
PTX 388	SPD-NY 0081065 - SPD-NY 0081067	8/13/2014	Email from Anderson to Linton, CCing Killinger and Dewarld, Subject: Updated WE Messaging, with attachment	FRE 801-802
PTX 389	SPD-NY 0081078 - SPD-NY 0081079	8/11/2014	Email from Sprinklr Alerts to Linton, Subject: [Sprinklr] Your post has been published	FRE 602, 801-802
PTX 390	SPD-NY 0081085	8/6/2014	Email from Linton to Minniear, Subject: Accuracy of Weeks Estimator	

PTX 391	SPD-NY 0081371	12/2/2013	Email from Evans to Linton and Genc, Subject: Update: Weeks Estimator is Challenged	
PTX 392	SPD-NY 0081497 - SPD-NY 0081499	8/5/2013	Email from Suarez to Linton and Vuturo, Subject: Social Responses for WE Accuracy Claims	
PTX 393	SPD-NY 0081505 - SPD-NY 0081535	6/28/2013	Email from Whang to Linton, Subject: Weeks estimator training, with attachment	FRE 401-402; FRE 602
PTX 394	SPD-NY 0081536	6/25/2013	Email from Linton to Linton, Subject: WEEKS ESTIMATOR TRAINING	
PTX 395	SPD-NY 0084197 - SPD-NY 0084206	7/31/2013	eContent Template	FRE 401-402; FRE 602
PTX 396	SPD-NY 0084207 - SPD-NY 0084216	6/4/2013	eContent Template	FRE 401-402; FRE 602
PTX 397	SPD-NY 0084217 - SPD-NY 0084233	2/24/2014	eContent Template	FRE 401-402; FRE 602
PTX 398	SPD-NY 0084163		Youtube Keywords	FRE 401-402; FRE 602
PTX 399	SPD-NY 0082463		Tamera Mowry-Housley "The Doctors" Key Messages	FRE 401-402; FRE 602
PTX 400	SPD-NY 0011689- SPD-NY 0011724	9/16/2013	Email from Dewald to Spencer, Tracy, Assistant, Singer, Scull, Pandyra, Suarez and Brightman, Subject: Call with Dr. Brightman and Tamera Mowry - Clearblue, with attachments	
PTX 401		10/2/2014	Linked-In Page for Robert Cutajar	FRE 401-402
PTX 402		9/29/2014	Linked-In Page for Kirsten Suarez	
PTX 403		9/29/2014	Linked-In Page for Karen Linton	

PTX 404		9/10/2014	Linked-In Pages for Joanna Pike	
PTX 405	SPD-NY 0046498 - SPD-NY 0046511		510(k) Substantial Equivalence Determination Decision Summary Assay Only Template for k112870	
PTX 406	SPD-NY 0060851 - SPD-NY 0060942	11/29/2012	Email from Godbert to Johnson-Lyles, Ccing Johnson and Roberts, Subject: K112870/S001 Clearblue hold item 1 following FDA feedback dated September 12th 2012, with attachments	
PTX 407	SPD-NY 0057369 - SPD-NY 0057373	12/4/2012	Email from Richards to Nixon, Ccing May, Subject: IB-RELEASE10_CLB_US-ADPT to Itarus_120312	FRE 401-402
PTX 408	SPD-NY 0022640 - SPD-NY 0022643	12/13/2014	Email from Richards to Daly, Subject: US Conception Indicator AW file, with attachment	
PTX 409	SPD-NY 0049608 - SPD-NY 0049615	12/10/2012	Email from Johnson-Lyles to Gittins, Ccing Johnson, Roberts and Godbert, Subject: DHL Shipment Notification: K112870/S001 Clearblue Response to hold notification daed September 12th 2012	
PTX 410	SPD-NY 0084234 - SPD-NY 0084248		Clearblue U.S. Pregnancy Test Category Dollars Have Remained Flat Over the Past 4 Years presentation	FRE 401-402; FRE 602; 801-802
PTX 411	SPD-NY 0048927 - SPD-NY 0048929	11/13/2013	Email from Duan to Gittins, Subject: Meeting request from FDA	
PTX 412	SPD-NY 0053201 - SPD-NY 0053202	11/14/2013	Email from Gittins, Subject: FDA Call - some thoughts	

PTX 413	SPD-NY 0084561 - SPD-NY 0084590	8/27/2013	Email from Cutajar to West, Ccing Suarez and Daly, Subject: Costco.com Slides v4, with attachments	FRE 401-402; FRE 602; FRE 801-802
PTX 414	SPD-NY 0084182 - SPD-NY 0084196	8/1/2013	Clearblue Presentation for Walmart	FRE 401-402; FRE 602; FRE 801-802
PTX 415	SPD-NY 0084320 - SPD-NY 0084351	8/28/2013	Amazon Clearblue Meeting Presentation	FRE 401-402; FRE 602; FRE 801-802
PTX 416	SPD-NY 0084529 - SPD-NY 0084560	8/26/2013	Email from Emerson to Daly, Suarez and Cutajar, Subject: Drugstore Presentation for Tomorrow, with attachment	FRE 401-402; FRE 602; FRE 801-802
PTX 417		1/22/2014	Letter from Proskauer to Judge Lifland	This is a letter brief submitted by C&D in the JAMS arbitration prior to this proceeding. It is not evidence; it is argument. It should be excluded. FRE 401-403; FRE 602; FRE 801-802